



**SPECIAL CITY COUNCIL WORKSESSION
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM
JULY 11, 2017
5:15 PM**

Call to order

1. Equity Initiatives

Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

July 6, 2017

Council Memorandum No. 65

The Honorable Mayor
and
Members of the City Council

Subject: Equity Initiatives Panel Discussion

Council Members:

At the July 11 Council work session there will be staff members from the cities of Bloomington and Brooklyn Park joining us for a discussion about equity initiatives.

Former Bloomington Assistant City Manager, Elizabeth Tolzmann (she recently changed jobs and is now the Director of Planning and Policy for Ramsey County) and Brooklyn Park Assistant City Manager, Wokie Freeman will share:

1. Why their cities are participating in racial equity work;
2. Examples of what their cities are doing to normalize, organize, and operationalize their racial equity work; and
3. Examples of early impact/success of their work.

Ms. Tolzmann has provided some relevant documents for you to review prior to the work session (see attached). She also provided links to some articles she thought would be helpful for the context of the discussion as well exemplify the regional impact of the work around racial equity:

<http://www.racialequityalliance.org/2016/12/06/people-behind-movement/>

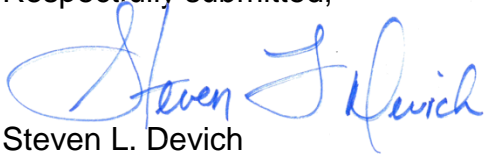
<https://www.lmc.org/page/1/RacialEquityMayJune2016.jsp>

<https://www.lmc.org/page/1/MessageMattersMarApr2017.jsp>

Due to time constraints, we will not have time to watch Bloomington's video explaining their story, but I encourage you to watch it ahead of time at this link:

https://www.youtube.com/watch?v=Vl_j7jZM0QY&t=34s

Respectfully submitted,

A handwritten signature in blue ink, reading "Steven L. Devich". The signature is fluid and cursive, with the first name "Steven" being larger and more prominent than the last name "Devich".

Steven L. Devich
City Manager

SLD:pd

Email: Assistant City Manager
Department Directors

City of Bloomington- Strategic Plan Summary 2017-20

Strategic Priority	Desired Outcome	Key Outcome Indicator	Performance Target	Strategic Initiatives
Community Amenities- Maintain and Expand	Comprehensive funding strategy for capital needs	- Executive Summary Project Status -Funding analyses	Adopted Q2 2018	a) Expand CIP to include all capital needs. The CIP financial reports should only include the project financial portion of the City, Port and HRA.
	Community Center decision	-Community support analysis -Task force feedback	Following task force input, series of City Council decisions on whether to move forward, and if so, site options, funding strategies, etc., starting in January 2017	b) Develop plan based on recommendations of community center taskforce c) Create customized, community engagement strategies for city-owned amenities and park/recreation facilities
	Strong support for city-owned amenities and park/recreation facilities	Feedback/survey	Majority of survey responses indicate strong support for facilities and parks	
Community Image	One Bloomington	- Surveys - Feedback stmts. - Soc. media posts	One Bloomington marketing campaign adopted by Q3 2017	a) Create a #OneBloomington branding and marketing campaign b) Develop comprehensive media strategies
	Positive Image of Bloomington	-Stories – all media - Survey/feedback	85% of residents report favorable image	c) Establish joint marketing strategy with school district
	Joint marketing with school district	Annual report on joint marketing	3 marketing activities with school district	d) Develop art and placemaking plan for entire city
Environmental Sustainability	Reduce city-wide carbon footprint	Total CHG per capita regional indicator index	Reduce Bloomington's tons per capita every year	a) Establish an environmental sustainability commission
	Improve surface water quality	List of compliance reports	Meet adopted standard for each water body	b) Maintain and update water reports
	Reduce volumes delivered to landfills/incinerators	Tonnage	10% reduction in tonnage	c) Create a solid waste diversion plan
	More affordable housing	Annual affordable housing report to City Council	Meet Met Council 2030 affordable housing target	a) Create a developer & stakeholder engagement plan, including strategies to meet targets

City of Bloomington- Strategic Plan Summary 2017-20

Focused Renewal	Renew priority neighborhood commercial nodes	Node renewal process reports	Meet adopted schedule	b) Adopt a strategy and funding for neighborhood commercial renewal d) Establish resident engagement on neighborhood innovation and improvement
	Successful neighborhood renewal innovation	Renewal project reports	Council & neighborhood agree on successful project innovation	
High Quality Service Delivery	Financial sustainability of all funds	All Council approved budget should have long-term financial plans (5-15 year projections)	Each of the approved budgets should include working capital goals and actual/projected working capital balances. The actual/projected working capital balances should be at 80% or better of the working capital goal.	a) Establish financial sustainability targets and standards b) Implement High Performing Organization (HPO) training and incorporate five service areas for targeted customer service improvement
	Meet customer expectations	-Customer feedback - Surveys -Feedback using community engagement tools (focus groups, etc.)	85% satisfied customers	
	Improved customer service	Tracking reports—five service areas	Meet targeted improvement levels in five areas as determined by survey results, staff analysis and community/customer feedback	
Inclusion and Equity	More diverse advisory boards	Board rosters	Composition of boards is reflective of the community	a) Create a leadership cohort program for underrepresented populations b) Expand marketing and outreach program to underrepresented and underserved populations c) Adopt pathways and internship programs that target underrepresented populations d) Create a hiring and retention strategy for people of color e) Train city staff on diversity f) Create a racial equity toolkit
	More diverse workforce	Annual reports, rosters	Workforce is reflective of the community	
	More diverse program participation	Program rosters	Increase in share of program participants who identify as racial or ethnic minorities	

Inclusion and Equity



More diverse advisory boards

Start	Responsible	Action	Measure of Success	#
Q3 2016	Each departments	Hold meetings in other venues	Hold meetings at mosque, Sikh temple, organ like MIRA/Assumption Church	9
Q3 2016	Human Services	Marketing different languages, Univision	Written, socials and electronic materials and distribute to cultural communities, application received and appointed	8
Q3 2016	Board liaisons, outreach coordinator	Engage/connect with diverse populations	Count on # of relationships established with div. pops	5
Q3 2016	Liaisons	Be at community events – heritage days, summer fete	Fill out app, submit and get appointed	7
Q3 2016		Ask them how to do this	All board have meeting minutes that address this	2
Q3 2016	Deb Smith/Communications	Communication blitz for openings	Count # of media outlets and # of diverse applicants	5
Q4 2016	City Manager/ Communications/ Staff Liaison	Facts about them and why they are vital	Fact sheets and talking points provided, web metrics for views	2
Q4 2016	Outreach coordinator/ liaisons	Utilize key leaders to communicate with their members	# relationships established	4
Q4 2016	Alejandra	Identify barriers as to why people to do apply to boards	# of focus conversations	7
Q1 2017	Elizabeth	Create a leadership cohort program for underserved groups	Completion of program; # of applicants to boards	2
Q1 2017		Provide education/classes on how gov/committees work		7
Q1 2017	Legal/HR	Determine legal way to identify the diversity of board applicants	Applicant diversity is identifiable	3

Items with less than 5 dots – Blue

Items between 5-9 dots – Yellow

Items with 10 dots and up - Green

Q1 2017	Liaisons to commissions/boards	Research transportation and daycare provided	Supports are established and available if a person needs	1
Q1 2017	Comm liaisons	Engage people on their turf	# of meetings outside civic plaza	5
Q2 2017	City Manager/Staff liaisons	Recognize boards for their work	Top board member award	1
Q2 2017	City Council/City Manager	Ask them for input more so feel valued	City Council tasks board with specific work. Records of meeting	1

More diverse workforce

Start	Responsible	Action	Measure of Success	#
	Each department	Revise job descriptions to include cultural competencies	Update/review all job descriptions	6
Q3 2016	HR	Analyze disparity between FT and PT/Seasonal for equity in benefits	Report that identifies racial % of employee classifications	0
Q4 2016	HR	Identify how to develop standards for hiring	Creating policies that the decision makers follow. Researching what other companies that emphasize diversity have done	2
Q4 2016	HR	Create an environment to retain people of color in the city	Retention rates of POC	5
Q4 2016	HR	Assess barriers of why POC are not getting govt jobs	Evaluation/review of application and post interview process	11
Q4 2016	HR Director	Increase opportunity for part-time/seasonal to transition to full-time	Adoption of a new/revised policy on internal openings	13
Q4 2016	EMT	Commit to hiring and promoting people of color into management positions	Develop and publish statement of intentions	5
Q1 2017	EMT	Promote language that the city is dedicated to racial equity and inclusion	Update city policies	2
Q1 2017	Asst City Manager/DCPE	Partner with community organizations to host job fairs where people are	# of job fairs touched" at job fairs	7
Q1 2017	Communications/Council	Create diversity visibility – displays, emails, outreach	Creation of displays, frequency of emails/outreach	6
Q1 2017	HR	Be deliberate in advertising and recruiting in communities of color	Report out advertising channels	13
Q1 2017	Racial Equity Team	Provide supervisor (all staff) training on meaning/importance of racial equity in hiring	Hold training activities on an ongoing basis	14
Q3 2017	HR	Cultivate diverse pool of interested and qualified employees. Outreach to youth (Bloomington Schools); internships; connect with higher ed institutions	Develop and implement outreach program	11

More Diverse Program Participation

Start	Responsible	Action	Measure of Success	#
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Items with less than 5 dots – Blue

Items between 5-9 dots – Yellow

Items with 10 dots and up - Green

Q3 2016	Communications	Create social media accounts to gear toward younger demographics, include flyers, programs, etc. Focusing on ethnic and racial groups, can be found when sign up	2,000 contacts added, 8-10 snaps sent by July 8	6
Q3 2016	Elizabeth	Collaborate with community partners (school, non-profit, businesses, etc.) in aligning our strategies	# of partnerships and desired actions/strategies	7
		Identify transportation limitations (public-transit)		1
Q4 2016	Each department	Identify baseline demographics, who is participating	Report of data	12
Q4 2016	Racial Equity Team	Apply a racial equity toolkit to all policy, programs, practices, and budget decisions	Development and implementation of toolkit	10
Q4 2016	Cross dept. team	Conduct studies/focus groups barriers of why racially/ethnically diverse residents do not participate	# of focus groups that are representative of community	8
Q4 2016	Each department	Identify existing programs	Report of programs	4
Q4 2016	Alejandra	Change our community engagement strategies to target racially/ethnically diverse residents	Increase in diverse residents in our programs	8
	Communications	Web based programs for shut-ins/disabled etc.		1
	Community Services	Cultural seminars – classes		1
Q1 2017	Each department	Translate and culturally appropriate marketing of programs and services	Materials and PR are in top languages spoken in Bloomington and registration elects diversity	6
	All departments	National Night Out Community Night		0
Q1 2017	All departments	Make adjustments to our application, marketing, forms, etc.	# of adjustments on applications	2
Q3 2016	Community liaison	Create and update program list of all organizations, sports, programs that focus on young, ethnic/racial demographics	Create list of “knowns”. Add 12 more July 8	4
Q2 2017	Community Services	Identify gaps in programs through community engagement with diverse communities	By Q2 2017, the city will have engaged with community through four town halls	7
	Each department	Identify goal, identify increase	By Q3 2017 each program/department will set their new goal for increased participation	1

Items with less than 5 dots – Blue

Items between 5-9 dots – Yellow

Items with 10 dots and up - Green

ADVANCING RACIAL EQUITY: THE ROLE OF GOVERNMENT

Bloomington is a changing community. The incoming Kindergarten class will be mostly students of color. If we are to be culturally competent as a community and diverse and inclusive as an organization, then our team needs to take the lead in acknowledging and advancing racial equity within Bloomington. As a result of our commitment to racial equity, our residents will be authentically engaged in our civic processes, our workforce will be more reflective of our community, and Bloomington will sustain itself as a welcoming, vibrant, stable, healthy, safe and desirable place to live, play and do business.

In order to advance this commitment, we need to ensure that equity and disparities are considered when reviewing or adopting City practices, policies and ordinances. We also need to invest in resources, training, time and safe spaces for dialogue and healthy conversations on race within our organization. Trust is the foundation for building and maintaining a healthy community and once we better understand who we are as a community, we can begin to work toward building an organization that equitably serves our community.

Racial equity training

A team from the City of Bloomington is attending a year-long advanced racial equity training from the Local and Regional Government Alliance on Race & Equity. The “Advancing Racial Equity: the Role of Government” workshop will provide an introduction to the role, responsibilities and opportunities for government to advance racial equity.

Objectives

- Gain understanding of the role of government in relation to racial equity
- Develop a shared racial equity analysis including definitions of terminology
- Develop skills at analyzing policies and practices from a racial equity perspective and communicating about race
- Strategize with others about how government can advance racial equity

As a result of participation, each jurisdiction will have:

- Racial equity training curriculum
- Trained facilitators to implement training with other employees
- Racial equity tools to be used in policy, practice, programs and decisions
- Examples of policies and practices that help advance racial equity
- Racial equity action plan

Racial inequities are not random; they have been created and sustained over time. Inequities will not disappear on their own. A growing field of practice is available so that local and regional government can proactively work to advance racial equity, focusing on eliminating inequities and increasing success for all.

- Local and Regional Government Alliance on Race & Equity

Shared definitions, concepts and principles

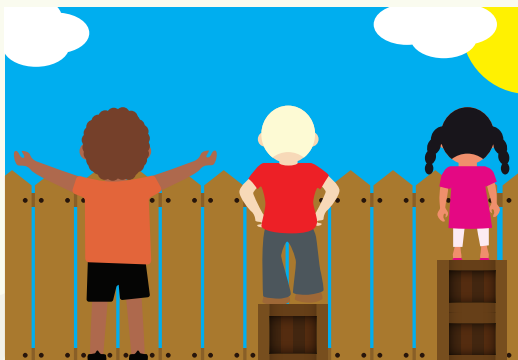


Equality

Equality is about Sameness.

Equality promotes fairness and justice by giving everyone the same thing.

It can only work if everyone starts from the same place.



Equity

Equity is about Fairness.

Our differences and history can create barriers to participation, so we must first insure equity before we can enjoy equality.

Racial equity - "Closing the gap" so that race does not predict one's success, while improving outcomes for all. To do so, one has to target strategies to focus improvements for those worse off and move beyond "services" and focus on changing policies, institutions and structures.

Bias - the evaluation of one group and its member relative to another. We all carry bias. Acting on bias can be discriminatory and create negative outcomes for particular groups.

Explicit bias

- Expressed directly
- Aware of bias
- Operates consciously
- Example – “I like whites more than Latinos.”

Implicit bias

- Expressed indirectly
- Unaware of bias
- Operates subconsciously
- Example – sitting further away from a Latino than a white individual

Source: *Unconscious (Implicit) Bias and Health Disparities: Where Do We Go from Here?*

Institutional/Explicit

Policies which explicitly discriminate against a group.

Example: Police department fails to hire people of color.

Institutional/Implicit

Policies that negatively impact one group unintentionally.

Example: The Department of Health fails to make information about vaccinations and other vital services available to Somalis, Latinos and other immigrant populations.

Individual/Explicit

Prejudice in action – discrimination.

Example: An employee from Parks and Recreation uses racial slurs while working on a playground equipment at a City park.

Individual/Implicit

Unconscious attitudes and beliefs.

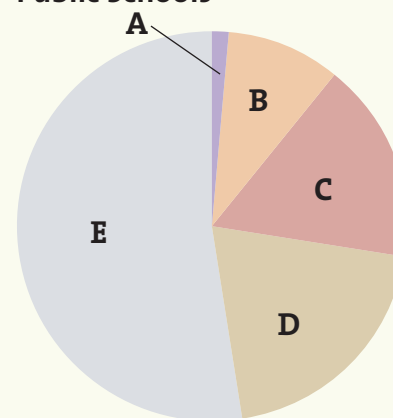
Example: An employee working the information desk calls for police when seeing a large group of young African Americans gather for a film celebrating the life of Thurgood Marshall.

Source: *True Democracy? Racial Equity Opportunities for Government and Our Communities.*

Full-time City of Bloomington employees

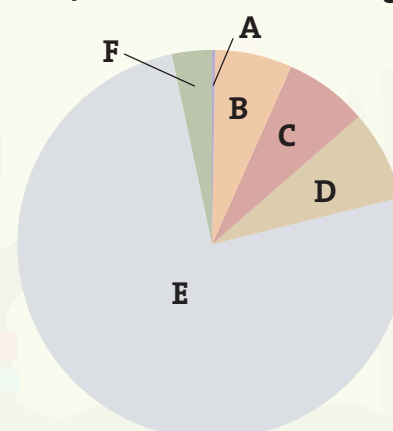
504	Caucasian
13	Asian/Pacific Islander
12	Hispanic
10	African American
1	American Indian
540	Total

2015-2016 school by ethnicity for all grades for Bloomington Public Schools



A. American Indian	1.5%
B. Asian/Pacific Islander	9.5%
C. Hispanic	16.7%
D. African American	19.9%
E. Caucasian	52.4%

2014 Estimates of Bloomington's Population by Ethnicity



A. American Indian	0.3%
B. Asian/Pacific Islander	6.4%
C. Hispanic	7.2%
D. African American	7.3%
E. Caucasian	75.8%
F. Other	3.1%

City of Bloomington Team:

Jamie Verbrugge, City Manager
 Elizabeth Tolzmann, Assistant City Manager
 Denis Otterness, Deputy Chief of Police
 Doug Belton, JCPP Community Liaison
 Nick Kelley, Public Health Asst. Administrator
 Lorinda Pearson, Human Services Manager
 Lynn Moore, Environmental Health Manager



BLOOMINGTON

LEARN TO LEAD INITIATIVE

What is Bloomington Learn to Lead Initiative?

This free program is designed to empower individuals to become involved in local municipal government including city, school district and nonprofit boards and commissions. Over the course of six months, participants will learn how local government functions and the role nonprofit organizations serve in the community. Leadership skills will be developed through educational sessions and one-on-one mentoring with City and community officials.

Who is a good candidate?

The City of Bloomington is looking for candidates who offer a combination of these profiles:

- Passion and commitment to improving the Bloomington community.
- Desire to learn and develop leadership skills, which can be applied to civic and nonprofit organizations.
- Bring a unique perspective and/or experience as a member of or working with an underrepresented community.
- Strong interest in networking and building relationships with City and local nonprofit staff and elected officials.

Time commitment

The time commitment is approximately 40 hours over a six month period. Space is limited and participants are expected to attend all sessions.

2017 Program Topics/Dates/Times

• Program Kick-Off	Monday, May 15	5 – 8 p.m.
• Government 101	Saturday, June 10	9 a.m. – 1 p.m.
• Dinner Session	Tuesday, June 20	6 – 8 p.m.
• Infrastructure	Saturday, July 15	9 a.m. – 1 p.m.
• Dinner Session	Tuesday, July 25	6 – 8 p.m.
• Safety	Saturday, August 12	9 a.m. – 1 p.m.
• City Services	Saturday, September 9	9 a.m. – 1 p.m.
• Dinner Session	Tuesday, September 19	6 – 8 p.m.
• Community Organizing	Saturday, October 14	9 a.m. – 1 p.m.
• Dinner Session	Tuesday, October 24	6 – 8 p.m.
• Capstone Presentation	Monday, November 20	5 – 7 p.m.

Capstone project

Participants will complete their training with a capstone project demonstrating what they have learned and will share with city council and their communities.

Application Deadline: April 21, 2017. Preference given to Bloomington residents.

Questions: Contact Melissa Wurst-Persaud, 952-563-4950, mwurstpersaud@BloomingtonMN.gov



**SPECIAL JOINT CITY COUNCIL, HOUSING AND REDEVELOPMENT AUTHORITY, AND PLANNING
COMMISSION WORKSESSION
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM
JULY 11, 2017
6:05 PM**

Call to order

1. City Garage South Proposal
2. Jaguar and Land Rover Dealership Proposal

Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

July 6, 2017

Council Memorandum No. 68

The Honorable Mayor
And
Members of the City Council

HRA Memorandum No. 19
Housing and Redevelopment
Authority Commissioners
City of Richfield

Subject: July 11 Work Session Development Proposals

Council and Commissioner Members:

At the July 11 Work Session, the Council and Commissioners will hear the following development proposals:

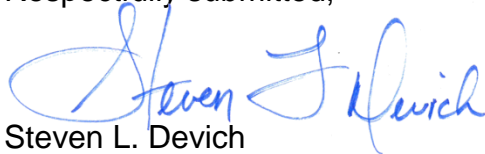
1550 78th Street East

Representatives of Morrie's Automotive Group will present preliminary plans for a Jaguar / Land Rover dealership on property currently owned and occupied by Adler Graduate School.

7700 Pillsbury Avenue

Steven Nicolai of Nicolai Apartments will present preliminary plans for a multi-family housing development on the south half of the former City Garage property. This property is owned by the HRA and currently leased to Richfield Bloomington Honda for employee parking.

Respectfully submitted,



Steven L. Devich
City Manager

SLD:mp

Email: Assistant City Manager
Planning Commissioners
Department Directors



**REGULAR CITY COUNCIL MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
JULY 11, 2017
7:00 PM**

INTRODUCTORY PROCEEDINGS

Call to order

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

Pledge of Allegiance

Approval of the minutes of the: (1) Special Joint City Council, Housing and Redevelopment Authority, and Planning Commission Work Session of June 19, 2017; (2) Special City Council Work Session of June 27, 2017; and (3) Regular City Council Meeting of June 27, 2017.

PRESENTATIONS

1. Annual Meeting of the Advisory Board of Health

COUNCIL DISCUSSION

2. Hats Off to Hometown Hits

AGENDA APPROVAL

3. Approval of the Agenda
4. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
 - A. Consideration of resolutions to approve special legislation for the Cedar Avenue and Lyndale Gardens Tax Increment Financing Districts.

Staff Report No. 104

5. Consideration of items, if any, removed from Consent Calendar

RESOLUTIONS

6. Consideration of the approval of a resolution granting a conditional use permit and variance to allow a restaurant

at 6436 Penn Avenue.

Staff Report No. 105

7. Consideration of the approval of a resolution granting a conditional use permit and variances to allow a restaurant and cafe to operate at 817 East 66th Street.

Staff Report No. 106

CITY MANAGER'S REPORT

8. City Manager's Report

CLAIMS AND PAYROLLS

9. Claims and Payrolls

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

CLOSED EXECUTIVE SESSION

10. Closed Executive Session pursuant to Minnesota Statutes Section 13D.05, subd. 3(b) to have an attorney-client privileged discussion regarding City of Richfield v. Law Enforcement Labor Services, Inc., Hennepin County District Court File No. 27-CV-17-3645.
11. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.

CITY COUNCIL MEETING MINUTES

Richfield, Minnesota



Special Joint City Council, Housing and Redevelopment Authority, and Planning Commission Work Session

June 19, 2017

CALL TO ORDER

The joint work session was called to order by Chair Supple at 6:15 p.m. in the Bartholomew Room.

Council Members Present: Pat Elliott, Mayor and Simon Trautmann.

Council Members Absent: Edwina Garcia; Michael Howard; and Maria Regan Gonzalez.

HRA Members Present: Mary Supple, Chair; Pat Elliott; and Doris Rubenstein.

HRA Members Absent: Michael Howard and Sue Sandahl.

PC Members Present: Erin Vrieze Daniels; Sean Hayford O'leary; Allysen Hoberg; and Bryan Pynn.

PC Members Absent: Gordon Vizecky; Susan Rosenberg; and Dan Kitzberger.

Staff Present: John Stark, Community Development Director

Item #1

THE CHAMBERLAIN (CEDAR POINT SOUTH) DEVELOPMENT UPDATE

Steve Schwanke of Inland Development Partners introduced himself and Todd Elkins, Urban Works (architect) and Todd Shaver of Inland. Mr. Schwanke presented plans and renderings representing their development proposal.

Council Members and Commissioners shared their comments and questions. There was broad-based support of preserving the existing 33 units of affordable housing in the development.

Community Development Director Stark provided an update of potential next steps.

There was general consensus that the proposal has many positive aspects, but a few details that need to be examined further, and staff was given general direction to work with the developer on progressing to the next steps.

ADJOURNMENT

The joint work session was adjourned by unanimous consent at 7:07 p.m.

Date Approved: July 11, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Work Session

June 27, 2017

CALL TO ORDER

The work session was called to order by Mayor Elliott at 6:02 p.m. in the Municipal Center.

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; Maria Regan Gonzalez; and Simon Trautmann

Staff Present: Steven L. Devich, City Manager; Kristin Asher, Public Works Director; Jeff Pearson, City Engineer; Russ Lupkes, Utilities Superintendent; and, Jared Voto, Executive Aide/Analyst.

Item #1	77TH STREET UNDERPASS
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City Engineer Pearson provided background on the 77th Street Underpass project, including historical layouts, and displayed the current MnDOT staff-approved layout along Washington Park/Richfield Parkway. He discussed the design now shows single span bridges that reduce the cost of the project by \$2-3 million and discussed the current cost estimate and secured funding.

Council Members and staff also discussed the redevelopment possibilities in this area after the project is constructed.

Item #2	UTILITY RATE AND CONSERVATION STRUCTURE
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Rebecca Kurtz and Jessica Cook from Ehlers presented on Utility Rate Study their company conducted for the water, sewer, and stormwater utilities. Cook presented the findings of the study, recommendations for rate increases for each utility to ensure financial stability, and changes to the rate structure for the water utility.

Council Members suggested another work session to go into more detail of the survey and its rate impacts.

ADJOURNMENT

The work session was adjourned by unanimous consent at 6:58 p.m.

Date Approved: July 11, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

June 27, 2017

CALL TO ORDER

The meeting was called to order by Mayor Elliott at 7:01 p.m. in the Council Chambers.

Council Members Present: Pat Elliott, Mayor; Edwina Garcia; Michael Howard; Maria Regan Gonzalez; and Simon Trautmann.

Staff Present: Steven L. Devich, City Manager; Mary Tietjen, City Attorney; Jay Henthorne, Director of Public Safety/Police Chief; Jim Topitzhofer, Recreation Services Director; Karen Barton, Assistant Community Development Director; Neil Ruhland, Media Coordinator; and Jared Voto, Executive Aide/Analyst.

OPEN FORUM

None.

PLEDGE OF ALLEGIANCE

Mayor Elliott led the Pledge of Allegiance.

Item #1

GENE & MARY JACOBSEN CITIZEN OF THE YEAR FOR 2017 AWARD

Mark Westergaard of the Richfield Human Rights Commission and Kim Jacobsen, son of Gene and Mary Jacobsen, presented Diane Cross of Fraser with the Citizen of the Year award for 2017.

APPROVAL OF MINUTES

M/Elliott, S/Garcia to approve the minutes of the: (1) Special City Council Work Session of February 24, 2017; (2) Special City Council Work Session of June 13, 2017; (3) Special City Council Work Session of June 13, 2017; and (4) Regular City Council Meeting of June 13, 2017.

Motion carried 5-0.

Item #3	HUMAN RIGHTS COMMISSION 2016 YEAR IN REVIEW
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Sarah Gumke, Chair of Richfield Human Rights Commission, highlighted the work of the Commission over the past year.

Item #2	MICAH COMMUNITY HERO AWARD
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Sue Watlov Phillips, Executive Director of MICAH awarded Council Member Regan Gonzalez with the Hero Award for her work on affordable housing.

Item #4	COUNCIL DISCUSSION <ul style="list-style-type: none">Hats Off to Hometown Hits
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Council Member Trautmann discussed the Richfield Placemaking Project, with more information at their website: <http://open4richfield.com/>.

Council Member Garcia discussed the youth summer trips available through the Recreation Services Department.

Mayor Elliott discussed the upcoming events around the Richfield 4th of July celebration.

Council Member Howard discussed the Heredia Park sculpture dedication on June 24 and thanked Karen Barton for her service as she takes a new position with St. Louis Park.

Council Member Regan Gonzalez discussed the Washington Park pickleball courts, the opening of the Lyndale Gardens amphitheater, the VEAP block party on July 9, "Civics 101" at the Richfield Municipal Center on July 6, and her and Council Member Howard's visit with the Dalai Lama on June 24.

Item #5	APPROVAL OF THE AGENDA
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M/Garcia, S/Regan Gonzalez to approve the agenda.

Motion carried 5-0.

Item #6	CONSENT CALENDAR
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City Manager Devich presented the Consent Calendar.

- A. Consideration of the approval of the revision of a lease agreement between the City of Richfield and the United States Postal Service for the use of fourteen parking spaces in the lower parking lot of the Wood Lake Nature Center. (S.R. No. 98)

- B. Consideration of the approval of a resolution authorizing the execution of a Joint Cooperation Agreement between the City of Richfield and Hennepin County for participation in the Urban Hennepin County Community Development Block Grant Program, 2018-2020. (S.R. No. 99)

RESOLUTION NO. 11372
RESOLUTION AUTHORIZING THE EXECUTION OF A JOINT
COOPERATION AGREEMENT BETWEEN THE CITY OF RICHFIELD
AND HENNEPIN COUNTY FOR PARTICIPATION IN THE URBAN
HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM IN FISCAL YEARS 2018-2020

This resolution appears as Resolution No. 11372.

- C. Consideration of the approval of an amendment to the 2016-2017 agreement between the City of Richfield and the City of Bloomington for Public Health Emergency Preparedness Services. (S.R No. 100)

M/Elliott, S/Howard to approve the consent calendar.

Motion carried 5-0.

Item #7	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #8	PUBLIC HEARING AND CONSIDERATION OF THE SECOND READING OF A TRANSITORY ORDINANCE VACATING 17TH AVENUE STREET RIGHT-OF-WAY ADJACENT TO THE PROPOSED PLAZA 66 COMMERCIAL DEVELOPMENT. THIS HEARING WAS CONTINUED FROM JUNE 13, 2017. (S.R. NO. 101)
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Council Member Regan Gonzalez presented Staff Report No. 101.

Rosalie Hinrichs, 6638 16th Ave S, asked about the street vacation and requested a dead-end at 16th Avenue.

Michelle Cunningham, 6626 16th Ave S, spoke regarding the separation of residential and commercial and asked for a dead-end at 16th Avenue.

M/Regan Gonzalez, S/Howard to close the public hearing and to approve a second reading of a transitory ordinance vacating 17th Avenue street right-of-way adjacent to the proposed Plaza 66 commercial development (approx. 66th Street and 17th Avenue).

Motion carried 5-0.

Item #9	PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION FOR A PRELIMINARY AND FINAL PLAT OF THE "PLAZA 66 IN RICHFIELD" ADDITION THAT WILL COMBINE SIX PARCELS (6609 – 16TH AVENUE, 6615 – 16TH AVENUE, 6608 – 17TH AVENUE, 6614 – 17TH AVENUE, AND TWO ADJACENT REMNANT PARCELS) AND ADJACENT 17TH AVENUE RIGHT-OF-WAY IN ORDER TO ALLOW CONSTRUCTION OF A MULTI-TENANT COMMERCIAL BUILDING. THIS HEARING WAS CONTINUED FROM JUNE 13, 2017. (S.R. NO. 102)
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Council Member Regan Gonzalez presented Staff Report No. 102.

M/Elliott, S/Garcia to close the public hearing.

Motion carried 5-0.

M/Regan Gonzalez, S/Elliott to approve a resolution approving the preliminary and final plat of the "Plaza 66 in Richfield" Addition.

RESOLUTION NO. 11373
RESOLUTION GRANTING APPROVAL OF PRELIMINARY AND FINAL
PLATS FOR THE PLAZA 66 IN RICHFIELD ADDITION

Motion carried 5-0. The resolutions appear as Resolution No. 11373.

Item #10	CONSIDERATION OF THE APPROVAL OF THE SECOND READING OF AN ORDINANCE ABOLISHING THE POLICE CIVIL SERVICE COMMISSION; REPEALING SUBSECTION 305.05 OF THE CITY CODE THAT CREATES A JOINT POLICE AND FIRE CIVIL SERVICE COMMISSION; ADOPTING A NEW SUBSECTION 305.05 TO CONTINUE THE FIRE CIVIL SERVICE COMMISSION; AND RESCINDING THE RESOLUTION DATED OCTOBER 29, 1945 CREATING A POLICE CIVIL SERVICE COMMISSION IN THE VILLAGE OF RICHFIELD. (S.R. NO. 103)
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Council Member Howard presented Staff Report No. 103.

M/Howard, S/Garcia to approve the second reading of an ordinance abolishing the Police Civil Service Commission; repealing Subsection 305.05 of the City Code that creates a joint Police and Fire Civil Service Commission; adopting a new Subsection 305.05 to continue the Fire Civil Service Commission; and rescinding the Resolution dated October 29, 1945 creating a police civil service commission.

Motion carried 5-0.

Item #11	CITY MANAGER'S REPORT
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City Manager Devich discussed the City received a Wellness by Design Silver Award for 2016-2017 from Hennepin County and discussed the Lyndale Avenue project.

Item #12	CLAIMS AND PAYROLLS
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M/Garcia, S/Trautmann that the following claims and payrolls be approved:

U.S. Bank		06/27/17
A/P Checks: 259825 - 260175	\$	2,762,927.66
Payroll: 128271 - 128634, 42775 - 42776		684,731.37
TOTAL	\$	3,447,659.03

Motion carried 5-0.

OPEN FORUM

None.

Item #13	ADJOURNMENT
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The City Council Meeting was adjourned by unanimous consent at 8:16 p.m.

Date Approved: July 11, 2017

Pat Elliott
Mayor

Jared Voto
Executive Aide/Analyst

Steven L. Devich
City Manager



STAFF REPORT NO. 104
CITY COUNCIL MEETING
7/11/2017

REPORT PREPARED BY: Myrt Link, Community Development Accountant

DEPARTMENT DIRECTOR REVIEW: Karen Barton, Assistant Community Development Director
7/6/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
7/6/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of resolutions to approve special legislation for the Cedar Avenue and Lyndale Gardens Tax Increment Financing Districts.

EXECUTIVE SUMMARY:

Legislation was passed during the 2017 Legislative session to extend the duration of the Cedar Avenue Tax Increment Financing District by ten years and to extend the 5-Year Rule by two years for the Lyndale Gardens Tax Increment Financing District.

In order for the special legislation to be effective, the City, Hennepin County, and School District No. 280 need to approve the legislation by adopting resolutions for each district.

RECOMMENDED ACTION:

By motion:

- 1. Approve a resolution approving Laws of Minnesota 2017, 1st Special Session, Chapter 1, Article 6, Section 18, relating to the Cedar Avenue Tax Increment Financing District; and**
- 2. Approve a resolution approving Laws of Minnesota 2017, 1st Special Session, Chapter 1, Article 6, Section 19, relating to the Lyndale Gardens Tax Increment Financing District.**

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The Cedar Avenue Tax Increment Financing (TIF) District (District) was created by Special Legislation in 2005 due to the impact on the City of Richfield from expansion of the Minneapolis-St. Paul International Airport. The City established the District in 2006, it was certified by Hennepin County in 2007, and decertification was anticipated to occur in December 2033. Due to a downturn in the economy after creation of the District, there was little or no interest in redevelopment in this area.
- The approved legislation provides the City the ability to extend the duration of the District by ten years to December 2043.
- The Lyndale Gardens TIF District was established by the City in 2011, certified by Hennepin County in 2013, and anticipated to be decertified in December 2039.
- The TIF Law provides that within five years after the date of certification any expenses to be

reimbursed with tax increment must be expended. The deadline for incurring expenses for the Lyndale Gardens District currently is March 29, 2018. Due to various circumstances, redevelopment of this site has been delayed.

- The approved legislation provides the City the ability to extend the 5-Year Rule to seven years, which would extend it to March 29, 2020. This allows two additional years for the City and a developer to incur expenses to be reimbursed with tax increment. The legislation does not extend the length of the district.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- In order to comply with Minnesota Statutes, Sections 469.1782, Subdivision 2 and Sections 645.021, Subdivisions 2 and 3 the City, Hennepin County, and School District No. 280 must adopt resolutions approving the special legislation.

C. CRITICAL TIMING ISSUES:

- The resolutions need to be passed before the Legislature reconvenes in 2018.

D. FINANCIAL IMPACT:

- During the first ten years of the Cedar Avenue TIF District, minimal increment was generated due to lack of redevelopment. The ten year extension provides the City the ability to capture a full 26 years of increment.
- The extension of the 5-Year Rule for Lyndale Gardens does not change the length of the District so there is no additional impact from the Special Legislation.

E. LEGAL CONSIDERATION:

- In order to comply with Minnesota Statutes, Sections 469.1782, Subdivision 2 and Sections 645.021, Subdivisions 2 and 3 the City, Hennepin County, and School District No. 280 must adopt resolutions approving the special legislation.
- The attached resolutions were drafted by Legal Counsel.

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
□ Resolution - Cedar Avenue	Resolution Letter
□ Resolution - Lyndale Gardens	Resolution Letter

CITY OF RICHFIELD, MINNESOTA

RESOLUTION NO. _____

**APPROVING LAWS OF MINNESOTA 2017, 1ST SPECIAL
SESSION, CHAPTER 1, ARTICLE 6, SECTION 18, RELATING
TO THE CEDAR AVENUE TAX INCREMENT FINANCING
DISTRICT**

WHEREAS, the City of Richfield, Minnesota (the “City”) has duly established the Cedar Avenue Tax Increment Financing District (the “TIF District”), a redevelopment tax increment financing district, pursuant to Laws of Minnesota 2005, Chapter 152, Article 2, Section 25, and the Housing and Redevelopment Authority in and for the City of Richfield, Minnesota administers such TIF District; and

WHEREAS, the Legislature of the State of Minnesota passed a special law extending the duration limit of the TIF District, all as provided in Laws of Minnesota 2017, 1st Special Session, Chapter 1, Article 6, Section 18 (the “Special Law”); and

WHEREAS, pursuant to the Special Law and Minnesota Statutes, Section 469.1782, subdivision 2, the City, Hennepin County, Minnesota (the “County”), and Independent School District No. 280 (the “School District”) are required to approve the Special Law; and

WHEREAS, pursuant to Minnesota Statutes, Section 645.021, subdivisions 2 and 3, the Special Law is effective upon approval by a majority vote of the governing body of the City and the filing of a certificate, including a copy of this resolution, in the form prescribed by the Minnesota Attorney General with the Minnesota Secretary of State; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the City and its residents to approve the Special Law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota, as follows:

1. The Special Law is approved contingent upon the approval of the Special Law by the governing bodies of the County and the School District.
2. The City Clerk, as the chief clerical officer of the City, is hereby authorized and directed to file the certificate and a copy of this resolution, as approved, with the Minnesota Secretary of State as required by Minnesota Statutes, Section 645.021, subdivision 3.
3. City staff are authorized and directed to take any additional action necessary to implement the Special Law.

Adopted by the City Council of the City of Richfield, Minnesota this ____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

**CERTIFICATE OF APPROVAL OF SPECIAL LAW
BY GOVERNING BODY**

(Pursuant to Minnesota Statutes, 645.02 and 645.021)

STATE OF MINNESOTA

County of Hennepin

TO THE SECRETARY OF STATE OF MINNESOTA:

PLEASE TAKE NOTICE, That the undersigned chief clerical officer of the City of Richfield, Minnesota (the "City") DOES HEREBY CERTIFY, that in compliance with the provisions of Laws, 2017, 1st Special Session, Chapter 1, Article 6, Section 18 requiring approval by a majority of the governing body of said local governmental unit before it becomes effective, the City Council of the City at a meeting duly held on the ____ day of _____, 2017, by resolution did approve said Laws, 2017, 1st Special Session, Chapter 1, Article 6, Section 18 by a majority vote of all of the members thereof (Ayes ____; Noes ____; Absent or not voting ____); the Board of Commissioners of Hennepin County, Minnesota at a meeting duly held on the ____ day of _____, 2017, by resolution did approve said Laws, 2017, 1st Special Session, Chapter 1, Article 6, Section 18 by a majority vote of all of the members thereof (Ayes ____; Noes ____; Absent or not voting ____); the Board of Education of Independent School District No. 280 at a meeting duly held on the ____ day of _____, 2017 by resolution did approve said Laws, 2017, 1st Special Session, Chapter 1, Article 6, Section 18 by a majority vote of all of the members thereof (Ayes ____; Noes ____; Absent or not voting ____); and the following additional steps, if any required by statute or charter were taken: N.A. Copies of the resolutions are hereto annexed and made a part of this certificate by reference.

Signed: _____
City Clerk

(This form prescribed by the Attorney General and furnished by the Secretary of State as required in Minnesota Statutes 645.021.)

Please see reverse side for instructions for completing this form.

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INSTRUCTIONS

- Include the chapter number in the *Laws of Minnesota* that is to be approved on the Certificate of Approval form **and** in the resolution that approves the special law.
- Return the completed **originally signed** Certificate of Approval form **with a photo copy** of the resolution that approved the special law to:

Election Division
Secretary of State
180 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55155-1299

- If you have any questions, please contact Nancy Breems at 651/215-1440.

CITY OF RICHFIELD, MINNESOTA

RESOLUTION NO. _____

**APPROVING LAWS OF MINNESOTA 2017, 1ST SPECIAL
SESSION, CHAPTER 1, ARTICLE 6, SECTION 19, RELATING
TO THE LYNDAL GARDENS TAX INCREMENT FINANCING
DISTRICT**

WHEREAS, the City of Richfield, Minnesota (the “City”) has duly established the Lyndale Gardens Tax Increment Financing District (the “TIF District”), a redevelopment tax increment financing district, pursuant to Minnesota Statutes, Sections 469.174 through 469.1794, as amended (the “TIF Act”), and the Housing and Redevelopment Authority in and for the City of Richfield, Minnesota administers such TIF District; and

WHEREAS, the Legislature of the State of Minnesota passed a special law providing that the conditions set forth in Section 469.1763, subdivision 3 of the TIF Act shall be considered met if the activities are undertaken within seven (7) years from the date of certification of the TIF District, all as provided in Laws of Minnesota 2017, 1st Special Session, Chapter 1, Article 6, Section 19 (the “Special Law”); and

WHEREAS, pursuant to the Special Law, the City, Hennepin County, Minnesota (the “County”), and Independent School District No. 280 (the “School District”) are required to approve the Special Law; and

WHEREAS, pursuant to Minnesota Statutes, Section 645.021, subdivisions 2 and 3, the Special Law is effective upon approval by a majority vote of the governing body of the City and the filing of a certificate, including a copy of this resolution, in the form prescribed by the Minnesota Attorney General with the Minnesota Secretary of State; and

WHEREAS, the City Council of the City has determined that it is in the best interest of the City and its residents to approve the Special Law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota, as follows:

1. The Special Law is approved contingent upon the approval of the Special Law by the governing bodies of the County and the School District.
2. The City Clerk, as the chief clerical officer of the City, is hereby authorized and directed to file the certificate and a copy of this resolution, as approved, with the Minnesota Secretary of State as required by Minnesota Statutes, Section 645.021, subdivision 3.
3. City staff are authorized and directed to take any additional action necessary to implement the Special Law.

Adopted by the City Council of the City of Richfield, Minnesota, this ____ day of _____, 2017.

Mayor

ATTEST:

City Clerk

**CERTIFICATE OF APPROVAL OF SPECIAL LAW
BY GOVERNING BODY**

(Pursuant to Minnesota Statutes, 645.02 and 645.021)

STATE OF MINNESOTA

County of Hennepin

TO THE SECRETARY OF STATE OF MINNESOTA:

PLEASE TAKE NOTICE, That the undersigned chief clerical officer of the City of Richfield, Minnesota (the "City") DOES HEREBY CERTIFY, that in compliance with the provisions of Laws, 2017, 1st Special Session, Chapter 1, Article 6, Section 19 requiring approval by a majority of the governing body of said local governmental unit before it becomes effective, the City Council of the City at a meeting duly held on the ____ day of _____, 2017, by resolution did approve said Laws, 2017, 1st Special Session, Chapter 1, Article 6, Section 19 by a majority vote of all of the members thereof (Ayes _____; Noes _____; Absent or not voting _____); the Board of Commissioners of Hennepin County, Minnesota at a meeting duly held on the ____ day of _____, 2017, by resolution did approve said Laws, 2017, 1st Special Session, Chapter 1, Article 6, Section 19 by a majority vote of all of the members thereof (Ayes ____; Noes ____; Absent or not voting _____); the Board of Education of Independent School District No. 280 at a meeting duly held on the _____ day of _____, 2017 by resolution did approve said Laws, 2017, 1st Special Session, Chapter 1, Article 6, Section 19 by a majority vote of all of the members thereof (Ayes ____; Noes ____; Absent or not voting _____); and the following additional steps, if any required by statute or charter were taken: N.A. Copies of the resolutions are hereto annexed and made a part of this certificate by reference.

Signed: _____
City Clerk

(This form prescribed by the Attorney General and furnished by the Secretary of State as required in Minnesota Statutes 645.021.)

Please see reverse side for instructions for completing this form.

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INSTRUCTIONS

- Include the chapter number in the *Laws of Minnesota* that is to be approved on the Certificate of Approval form **and** in the resolution that approves the special law.
- Return the completed **originally signed** Certificate of Approval form **with a photo copy** of the resolution that approved the special law to:

Election Division
Secretary of State
180 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55155-1299

- If you have any questions, please contact Nancy Breems at 651/215-1440.



STAFF REPORT NO. 105
CITY COUNCIL MEETING
7/11/2017

REPORT PREPARED BY: Matt Brillhart, Associate Planner

DEPARTMENT DIRECTOR REVIEW: Karen Barton, Assistant Community Development Director
7/5/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
7/6/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a resolution granting a conditional use permit and variance to allow a restaurant at 6436 Penn Avenue.

EXECUTIVE SUMMARY:

Nielsen Foods is proposing to open a Subway restaurant in the building at 6436 Penn Avenue. Fast food / convenience restaurants are a conditionally permitted use in the Mixed Use Community (MU-C) District. In addition to the conditional use permit (CUP), the applicant is requesting approval of a variance to reduce off-street parking requirements.

Subway plans to occupy 1,500 square feet of the building, while the remaining 8,000 square feet would be occupied by the building's owner, Dynamic Products Midwest (DPM). The parking requirement for fast food restaurants is 17 spaces per 1,000 square feet and the requirement for wholesale businesses is 1 per 800 square feet of gross floor area. Based strictly on the square footage of the building, the combined parking requirement is 33 spaces (23 for Subway and 10 for DPM.) 17 spaces are available on the property and space is not available to create additional parking.

Several unique factors exist to justify reducing the parking requirement. Despite the large amount of building space they occupy, DPM has just 12 total employees, several of whom work off-site entirely or are dispatched in the field most of the day. Much of the building is used as storage for equipment and product inventory. While the area behind the building cannot officially be counted as parking space due to non-compliant access aisle and stall dimensions, DPM allows up to 5 employees to park in this area, reducing pressure on the parking lot. Furthermore, the City's parking requirement for fast food restaurants are much higher than Subway's own requirement of 12 spaces (1 space per 125 square feet). Lastly, this location is in close proximity to a concentration of apartments and businesses and it is reasonable to assume that some percentage of customers and employees will choose to walk rather than drive. Given the existing usage of the building, staff does not anticipate that shortages will occur.

Finding that the proposal meets requirements, staff recommends approval of the conditional use permit and variance.

RECOMMENDED ACTION:

By motion: Approve a resolution granting a conditional use permit and variance to allow a restaurant

at 6436 Penn Avenue.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- See Executive Summary

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- Fast food / convenience (Type III) restaurants are a conditionally permitted use in the Mixed Use Community (MU-C) District. The applicant is requesting a variance from Zoning Code Subsection 544.13, as described above in the Executive Summary. A full discussion of general CUP requirements and additional information related to the requested variance and required findings can be found as an attachment to this report.

C. CRITICAL TIMING ISSUES:

- 60-DAY RULE: The 60-day clock 'started' when a complete application was received on June 12, 2017. A decision is required by August 11, 2017 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- A public hearing was held before the Planning Commission on June 26, 2017. Notice of the public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site on June 13. No members of the public spoke at the public hearing. The Planning Commission recommended approval of the conditional use permit and variance (6-0).

ALTERNATIVE RECOMMENDATION(S):

- Approve the resolution with modifications and/or additional stipulations.
- Deny the conditional use permit and/or variance with a finding that requirements are not met.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Steve Nielsen, applicant

ATTACHMENTS:

Description	Type
□ Resolution	Resolution Letter
□ Requirements attachment	Backup Material
□ Site plans, zoning maps	Backup Material
□ Photo of 6436 Penn Avenue storefront	Backup Material

RESOLUTION NO.
RESOLUTION APPROVING A
CONDITIONAL USE PERMIT AMENDMENT AND VARIANCE
FOR A RESTAURANT
AT 6436 PENN AVENUE

WHEREAS, an application has been filed with the City of Richfield which requests approval of a conditional use permit amendment and variance to allow a Class III (fast food / convenience) restaurant at property commonly known as 6436 Penn Avenue and legally described as follows:

That part of the north 115.9 feet of the south 270.9 feet of the east 167 feet of Lot 1, RICHFIELD GARDENS which lies south of the north 354.5 feet of said Lot 1, Hennepin County, Minnesota

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit and variance at its June 26, 2017 meeting; and

WHEREAS, notice of the public hearing was published in the Sun Current on June 15, 2017 and mailed to properties within 350 feet of the subject property on June 13, 2017; and

WHEREAS, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit as specified in Richfield's Zoning Code, Subsection 547.09 and as detailed in City Council Staff Report No.____; and

WHEREAS, the Zoning Code states that off-street parking for Class III (fast food / convenience) restaurants shall be provided at a ratio of 17 spaces per 1,000 square feet of gross floor area and for wholesale businesses at a ratio of 1 space per 800 square feet of gross floor area, Subsection 544.13, Subd. 6; and

WHEREAS, Minnesota Statutes Section 462.357, Subdivision 6, provides for the granting of variances to the literal provisions of the zoning regulations in instances where their enforcement would cause "practical difficulty" to the owners of the property under consideration; and

WHEREAS, the City has fully considered the request for approval of the conditional use permit;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota, as follows:

1. The City Council makes the following general findings:
 - a. The Property is zoned Mixed Use Community (MU-C).
 - b. The Zoning Code states that off-street parking for Class III (fast food / convenience) restaurants shall be provided at a ratio of 17 spaces per 1,000 square feet of gross floor area and for wholesale businesses at a ratio of 1 space per 800 square feet of gross floor area. 17 spaces are available on site. A variance from Subsection 544.13, Subd. 6 is necessary.

2. With respect to the application for a variance from the above-listed requirements, the City Council makes the following findings:
 - a. Parking requirements are based on square footage. Subway plans to occupy 1,500 square feet of the building, while the remaining 8,000 square feet would be occupied by the building's owner, Dynamic Products Midwest (DPM). The parking requirement for Class III (fast food / convenience) restaurants is 17 spaces per 1,000 square feet of gross floor area and the requirement for wholesale businesses is 1 space per 800 square feet of gross floor area. After factoring in a 10 percent reduction for proximity to public transit service, the total parking requirement is 33 spaces (23 for Subway and 10 for DPM.) 17 spaces are available on the property and no space exists to create additional parking.
 - b. Unique circumstances apply in that DPM has only 12 total employees, several of whom work off site entirely or are dispatched in the field most of the day. Much of the building is used as storage for their equipment and products. While the area behind the building cannot officially be counted as parking spaces due to non-compliant access aisle and stall dimensions, DPM allows up to 5 employees to park in that area, reducing pressure on the available spaces in the parking lot. Furthermore, the City's parking requirements for fast food restaurants are much higher than Subway's own requirement of 12 spaces for a 1,500 square foot restaurant (1 space per 125 square feet.)
 - c. Granting the requested variance will not alter the character of the neighborhood or locality. Given the existing usage of the building, staff does not anticipate that shortages will occur. This location is in close proximity to a concentration of apartments and businesses. It is reasonable to assume that some percentage of customers and employees will choose to walk rather than drive.
 - d. The variance requested is the minimum necessary to alleviate the practical difficulty. Space is not available to create additional parking.
 - e. The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.
3. Based on the above findings, a variance is hereby approved to reduce the off-street parking requirement for the Subject Property to 17 spaces.
4. A conditional use permit is issued to allow a Class III (fast food/convenience) restaurant, as described in City Council Letter No. _____, on the Subject Property legally described above.
5. This conditional use permit is subject to the following conditions in addition to those specified in Section 547.09 of the City's Zoning Ordinance:
 - That the recipient of this conditional use permit record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.09, Subd. 8. A recorded copy of the approved resolution must be submitted to the City prior to the issuance of an occupancy permit.
 - The proposed interior trash room must meet all Building/Health Codes.
 - The parking lot must be patched/resurfaced and restriped, including a striped connection from the sidewalk to the accessible loading/aisle space prior to the issuance of an occupancy permit.

- Awning(s) shall be installed across the entire building façade. Sign permits are required for any signs greater than 6 square feet in area, including awning signage.
 - Bicycle parking must be provided, in accordance with Zoning Code Section 544.17.
 - The remaining space in the building may not be used by another restaurant.
 - All rooftop or ground mechanical equipment must be screened, per Zoning Code Section 544.05.
 - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated June 5, 2017, and compliance with all other City and State regulations.
 - Prior to the issuance of an occupancy permit, the applicant must submit a surety equal to 125% of the value of any improvements and/or requirements not yet complete. This surety shall be provided in the manner specified by the Zoning Code.
6. The conditional use permit and variance shall expire one year after issuance unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been issued and substantial work performed; or 3) Upon written request of the applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.
7. This conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City's Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of July 2017.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

Code Requirements / Required Findings

Part 1 – Conditional Use Permit: The findings necessary to issue a Conditional Use Permit (CUP) are as follows (547.09, Subd. 6):

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan.* The proposed use of the property is consistent with the guiding "Mixed Use" designation. The Comprehensive Plan identifies a number of goals and policies related to economic development and support for business and employment growth. The proposal is consistent with these goals and policies.
2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* The purpose of the Zoning Code is to protect and promote the public health, safety, comfort, aesthetics, economic viability, and general welfare of the City. In the Penn Avenue Corridor, the Mixed Use District is intended to be a vibrant, pedestrian-oriented neighborhood center. The proposal is consistent with these purposes.
3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* There are limited opportunities to bring the property into compliance with the Penn Avenue Design Guidelines, such as adding awnings to the building.
4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* The proposed use will maintain the status quo compliance with performance standards requirements. The site is 100% impervious surface and limited opportunities exist to add landscaping or screening. The applicant is requesting a variance to reduce the off-street parking requirement, described in Part 2.
5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements.* The City's Public Works and Engineering Departments have reviewed the proposal and do not anticipate any issues.
6. *The use will not have undue adverse impacts on the public health, safety, or welfare.* Adequate provisions have been made to protect the public health, safety and welfare.
7. *There is a public need for such use at the proposed location.* Investment and improvement in vacant sites is necessary to maintain a thriving community.
8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.* This requirement is met.

Part 2 - Variance: The findings necessary to approve a variance are as follows (Subd. 547.11):

1. *There are “practical difficulties” that prevent the property owner from using the property in a reasonable manner.*
2. *There are unusual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.*
3. *The variance would not alter the character of the neighborhood or the locality.*
4. *The variance is the minimum necessary to alleviate the practical difficulty.*
5. *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.*

Reduced Parking Requirement (Subsection 544.13, Subd. 6)

The applicant is requesting a variance to reduce the off-street parking requirement from 33 stalls to 17 stalls.

Criteria 1: Strict enforcement of this requirement would cause a practical difficulty. Parking requirements are based on square footage. Subway plans to occupy 1,500 square feet of the building, while the remaining 8,000 square feet would be occupied by the building’s owner, Dynamic Products Midwest (DPM). The parking requirement for Class III (fast food / convenience) restaurants is 17 spaces per 1,000 square feet of gross floor area and the requirement for wholesale businesses is 1 per 800 square feet of gross floor area. After factoring in a 10 percent reduction for proximity to public transit service, the total parking requirement is 33 spaces (23 for Subway and 10 for DPM.) 17 spaces are available on the property and no space exists to create additional parking.

Criteria 2: Unique circumstances apply in that DPM has only 12 total employees, several of whom work off-site entirely or are dispatched in the field most of the day. Much of the building is used as storage for their equipment and products. While the area behind the building cannot officially be counted as parking spaces due to non-compliant access aisle and stall dimensions, DPM allows up to 5 employees to park in that area, reducing pressure on the available spaces in the parking lot. Furthermore, the City’s parking requirements for fast food restaurants are much higher than Subway’s own requirement of 12 spaces for a 1,500 square foot restaurant (1 space per 125 square feet.)

Criteria 3: Granting the requested variance will not alter the character of the neighborhood or locality. Given the existing usage of the building, staff does not anticipate that shortages will occur. This location is in close proximity to a concentration of apartments and businesses. It is reasonable to assume that some percentage of customers and employees will choose to walk rather than drive.

Criteria 4: The variance requested is the minimum necessary to alleviate the practical difficulty. Space is not available to create additional parking.

Criteria 5: The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.



Hennepin County Property Map

Date: 5/25/2017



PARCEL ID: 2902824140022

OWNER NAME: Charis Properties Llc

PARCEL ADDRESS: 6436 Penn Ave S, Richfield MN 55423

PARCEL AREA: 0.44 acres, 19,225 sq ft

A-T-B: Abstract

SALE PRICE: \$750,000

SALE DATA: 03/2007

SALE CODE: Warranty Deed

ASSESSED 2016, PAYABLE 2017

PROPERTY TYPE: Commercial-Preferred

HOMESTEAD: Non-Homestead

MARKET VALUE: \$791,000

TAX TOTAL: \$29,411.74

ASSESSED 2017, PAYABLE 2018

PROPERTY TYPE: Commercial-preferred

HOMESTEAD: Non-homestead

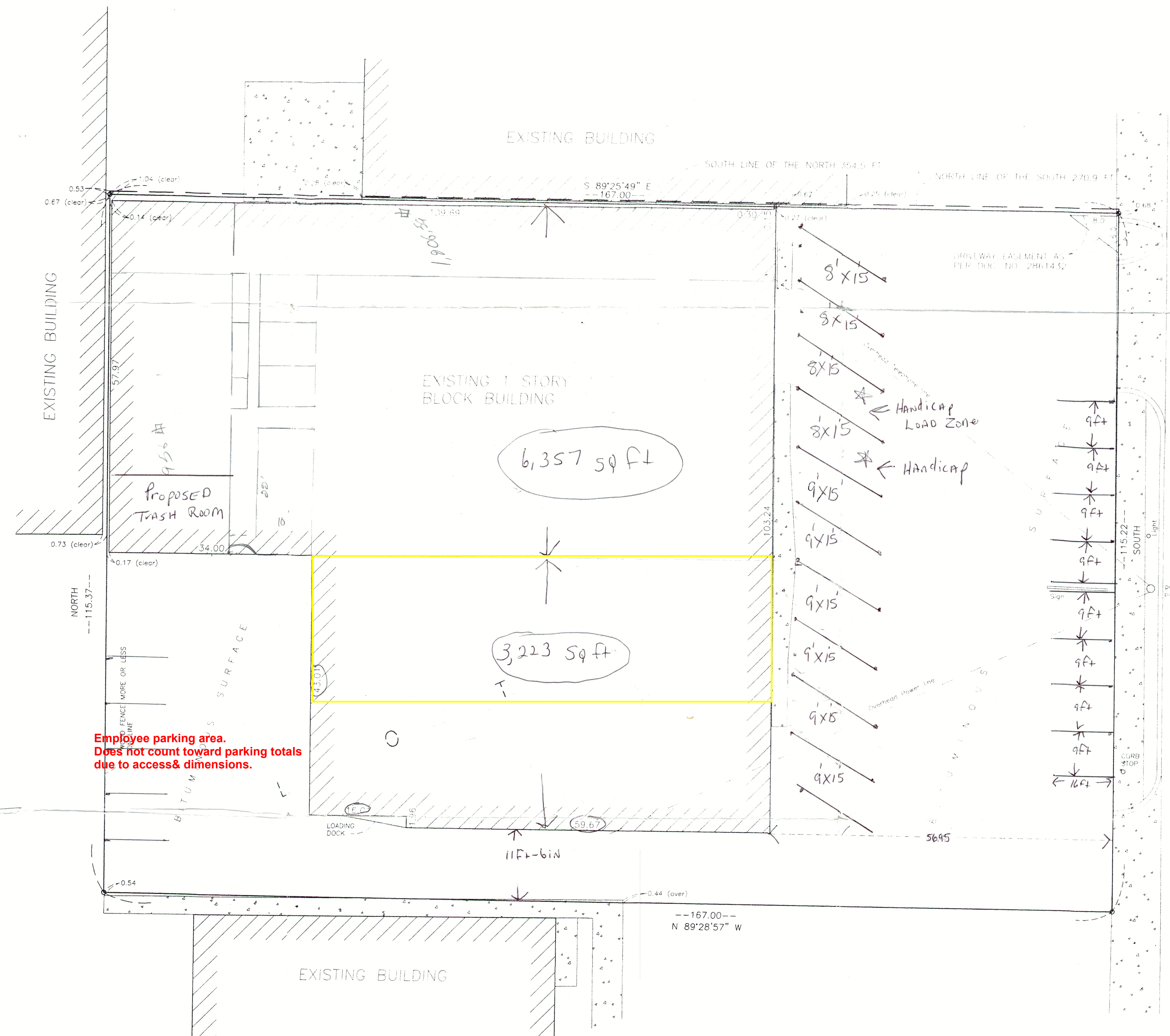
MARKET VALUE: \$812,000

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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COUNTY 2017

Survey for: GREGG & GREGG LLP



Employee parking area.
Does not count toward parking totals
due to access & dimensions.

* total Buildings 9,580 sq ft

DESCRIPTION: That part of the North 115.9 ft. of the South 270.9 ft of the East 167 ft. of Lot 1, RICHFIELD GARDENS which lies South of the North 354.5 ft. of said Lot 1.

I hereby certify that this survey was prepared by me or under my direct supervision, and that I am a registered land surveyor under the laws of the State of Minnesota. Dated this 6th day of June, 2002.

CARLSON & CARLSON, INC.
LAND SURVEYORS
Tele. No. (952) 888-2084

BY Larry R. Couture
Larry R. Couture, Land Surveyor
Minnesota License No. 9018

Revised 6-20-02



DESCRIPTION FOR PROPERTY TO THE NORTH:
The East 167 ft. of the South 114.5 ft. of the North 354.5 ft.
of Lot 1, RICHFIELD GARDENS.

③ 11/17/22



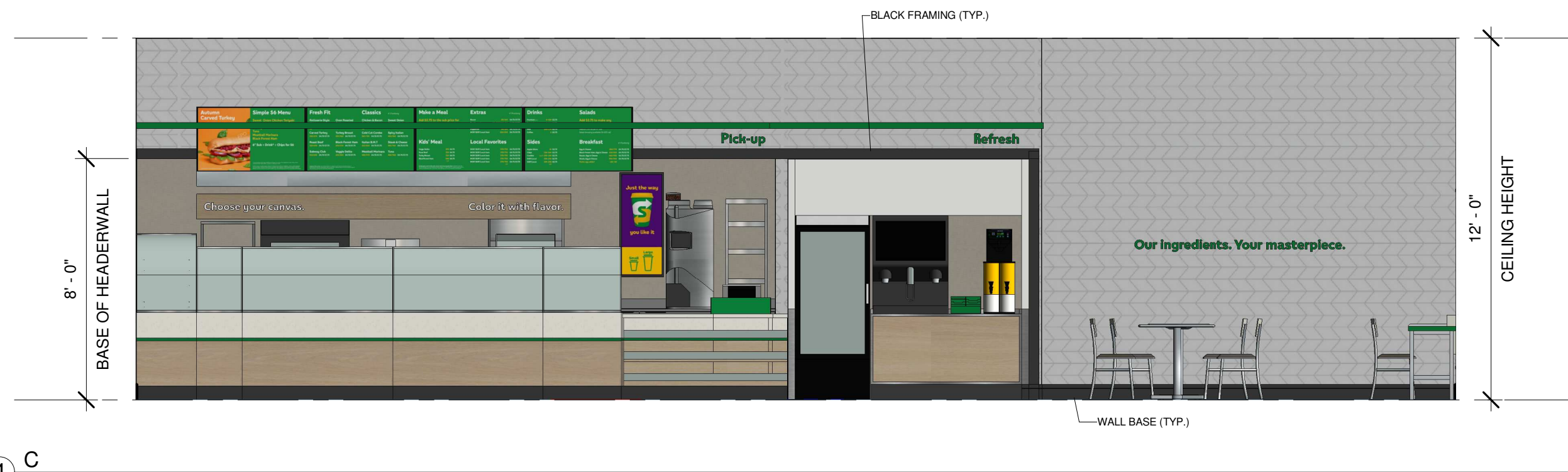
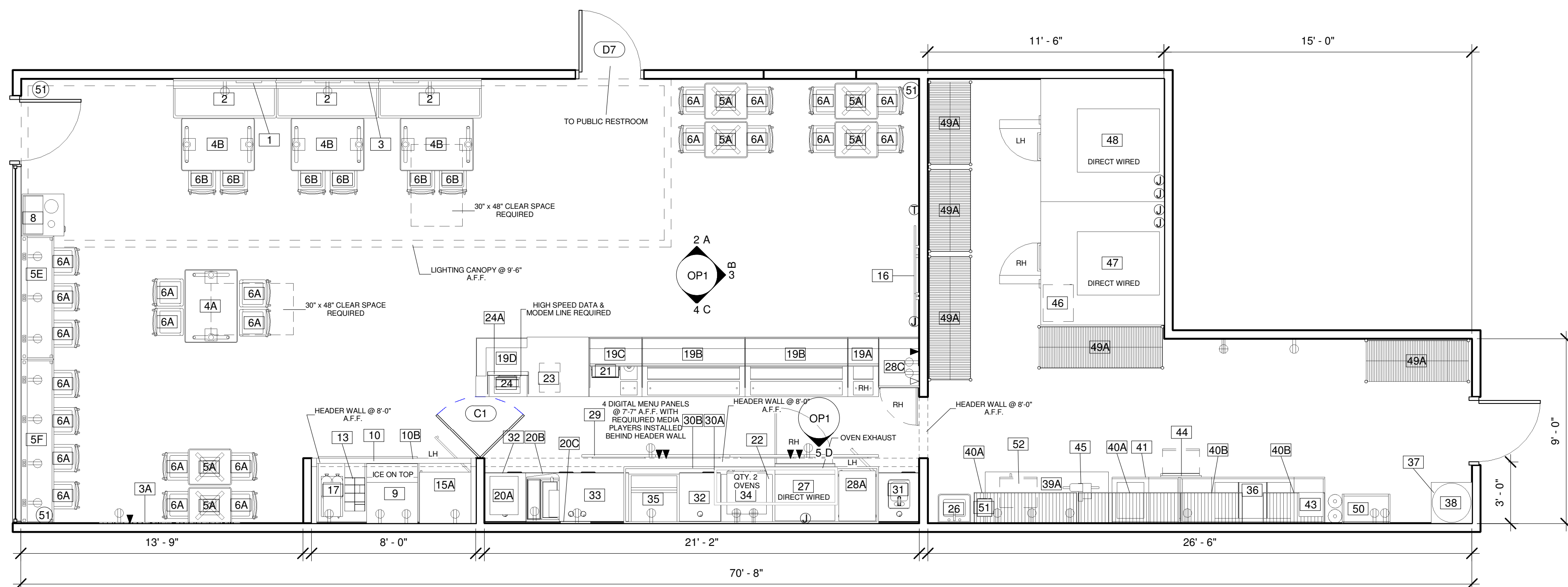
6 STORE OVERVIEW

2. Door Index	
#	Door Size

C1	28" X 36"
D7	36" x 80"

1. Equipment Index	
#	Item
1	WOOD PLANK FOCAL WALL
2	WALL BENCH
3	WALL ARTS
3A	BRAND MESSAGING
4A	30" X 42" X 30" TABLE
4B	30" X 42" X 30" TABLE
5A	24" X 20" X 30" TABLE
5E	72" SIT DOWN COUNTER
5F	96" SIT DOWN COUNTER
6A	CHAIR
6B	CHAIR
8	TRASH/RECYCLE RECEPTACLE
9	SODA FOUNTAIN
10	60" BEVERAGE DESTINATION CENTER
10B	BEVERAGE COUNTER SHROUD
13	BEVERAGE CADDY
15A	DISPLAY REFRIGERATOR (LH)
16	60" ILLUMINATED CHOICE MARK SIGN
17	TEA / COFFEE BREWER
19A	18" HOT FOOD SECTION- RH
19B	60" COLD PAN
19C	31" SOUP SECTION- RH
19D	66" CASH SECTION
20A	PICK-UP SHELF
20B	COFFEE MAKER
20C	FRAMED COFFEE GRAPHIC
21	COOKIE DISPLAY
22	OVEN CART
23	SAFE
24	P.O.S.
24A	P.O.S. SHROUD
26	HAND SINK
27	NU-VU BREAD OVEN (RH)
28A	COMBINATION BREAD CABINET(LH)
28C	FRONT LINE BREAD DISPLAY- RH
29	DIGITAL MENUBOARD
30A	WOOD EQUIPMENT VALANCE
30B	DECORATIVE VALANCE
31	24" BACK COUNTER SINK
32	24" BACK COUNTER
33	60" REFRIGERATED BACK COUNTER
34	RAPID COOK OVEN
35	FRESH DISPLAY
36	3 COMP SINK
37	MOP SINK
38	HOT WATER TANK
39A	72" X 30" WORKTABLE
40A	WALL SHELF
40B	SMART WALL SYSTEM
41	VEGETABLE SINK
43	CLEANING PRODUCT RACK
44	DISHWASHER
45	VEGETABLE SLICER
46	RETARDER CABINET
47	6'X6' COOLER
48	6'X6' FREEZER
49A	STORAGE UNITS
50	SODA STORAGE
51	STEREO SYSTEM
52	MICROWAVE

1 FURNITURE & EQUIPMENT PLAN
1/4" = 1'-0"



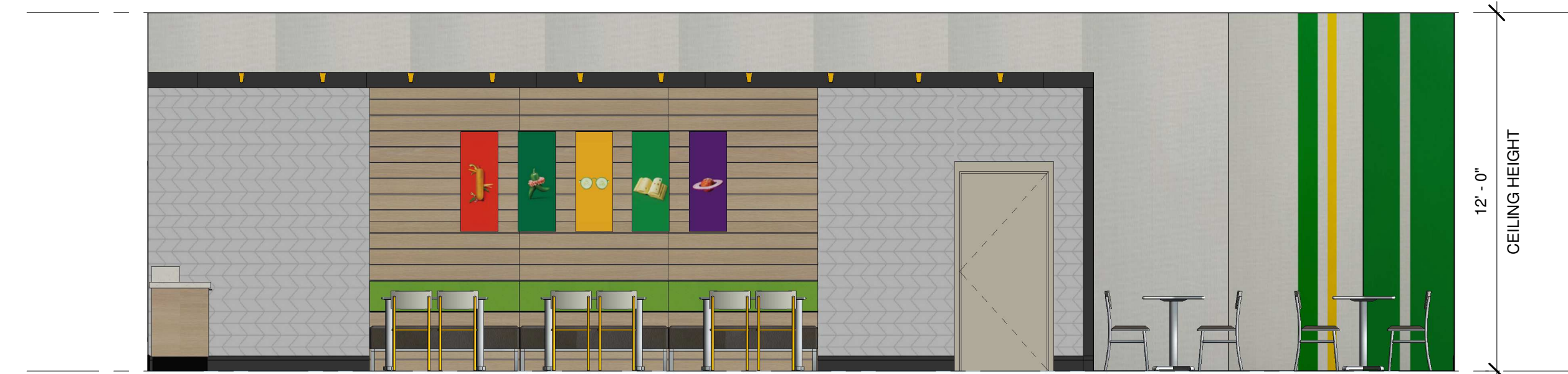
4 C
1/4" = 1'-0"



5 D
1/4" = 1'-0"



3 B
1/4" = 1'-0"



2 A
1/4" = 1'-0"

SYMBOL LEGEND	
	- 120V DUPLEX OUTLET
	- 220V SINGLE OUTLET
	- ELECTRIC PANEL
	- PHONE JACK
	- DATA JACK
	C.M. - CEILING MOUNTED
	F.M. - FLOOR MOUNTED
	- JUNCTION BOX
	- THERMOSTAT

NOTE:
"THESE PLANS ARE FOR REVIEW ONLY AND ARE NOT TO BE CONSTRUCTED AS FINAL APPROVAL"

- ELECTRICAL OUTLET HEIGHTS MEASURED TO BOTTOM OF BOX.
- ONE ELECTRICAL JUNCTION BOX TO BE LOCATED IN CEILING ABOVE EACH WINDOW.
- CUNO MODEL SW260-PLUS WATER FILTRATION SYSTEM IS REQUIRED IN ALL NEW STORES THAT DISPENSE BEVERAGES. THE RECOMMENDED PLACEMENT FOR INSTALLATION IS MOUNTED TO SODA SYRUP RACK BY COCA-COLA. SECONDARY PLACEMENT OPTION IS MOUNTED ON THE BACKROOM WALL. THIRD INSTALLATION OPTION IS MOUNTING INSIDE THE FRONT BEVERAGE COUNTER WHEN SPACE LIMITATIONS OCCUR. REQUIRED: 1/2" INCOMING WATER LINE FEED WITH 1/2" BALL VALVE SHUTOFF AND 1/2" FPT CONNECTION. MINIMUM 110 VOLT, 20 AMP ELECTRICAL SERVICE TO SUPPORT THE CARBONATOR AND WATER BOOSTER (MUST BE DEDICATED CIRCUIT).
- SECONDARY CHIP RACK IS REQUIRED IN THE CUSTOMER AREA. THE TWO AVAILABLE OPTIONS ARE: BASKET STYLE CHIP RACK AT THE POINT OF ORDER (PREFERRED PLACEMENT) OR PURSE RAIL MOUNTED CHIP RACK. (MOUNTED ON TOP OF THE PURSE RAIL.)
- EXIT LIGHTS INSTALLED BY G.C. PER LOCAL CODE.
- EMERGENCY LIGHTS INSTALLED BY G.C. PER LOCAL CODE.
- EXTINGUISHERS, SMOKE AND FIRE DETECTION SYSTEMS INSTALLED BY G.C. PER LOCAL CODE.
- LABOR & MATERIAL SUPPLIED BY G.C. UNLESS OTHERWISE NOTED.
- ALL DIMENSIONS TO BE VERIFIED BY G.C. ON SITE.
- REFRIGERATOR AND FREEZER MUST BE ADEQUATELY VENTILATED. REFER TO MANUFACTURER FOR DETAILS.



STORE #: 4585 RELO.

FRANCHISEE:

STEVE NIELSEN

DEVELOPMENT AGENT

OLSEN/CLARK/
ANDERSON

ADDRESS:

6442 PENN AVE. S.
RICHFIELD,MN.
55423 USA

DESIGNED BY:

DAVID SURA

REVISION #:

SCALE:

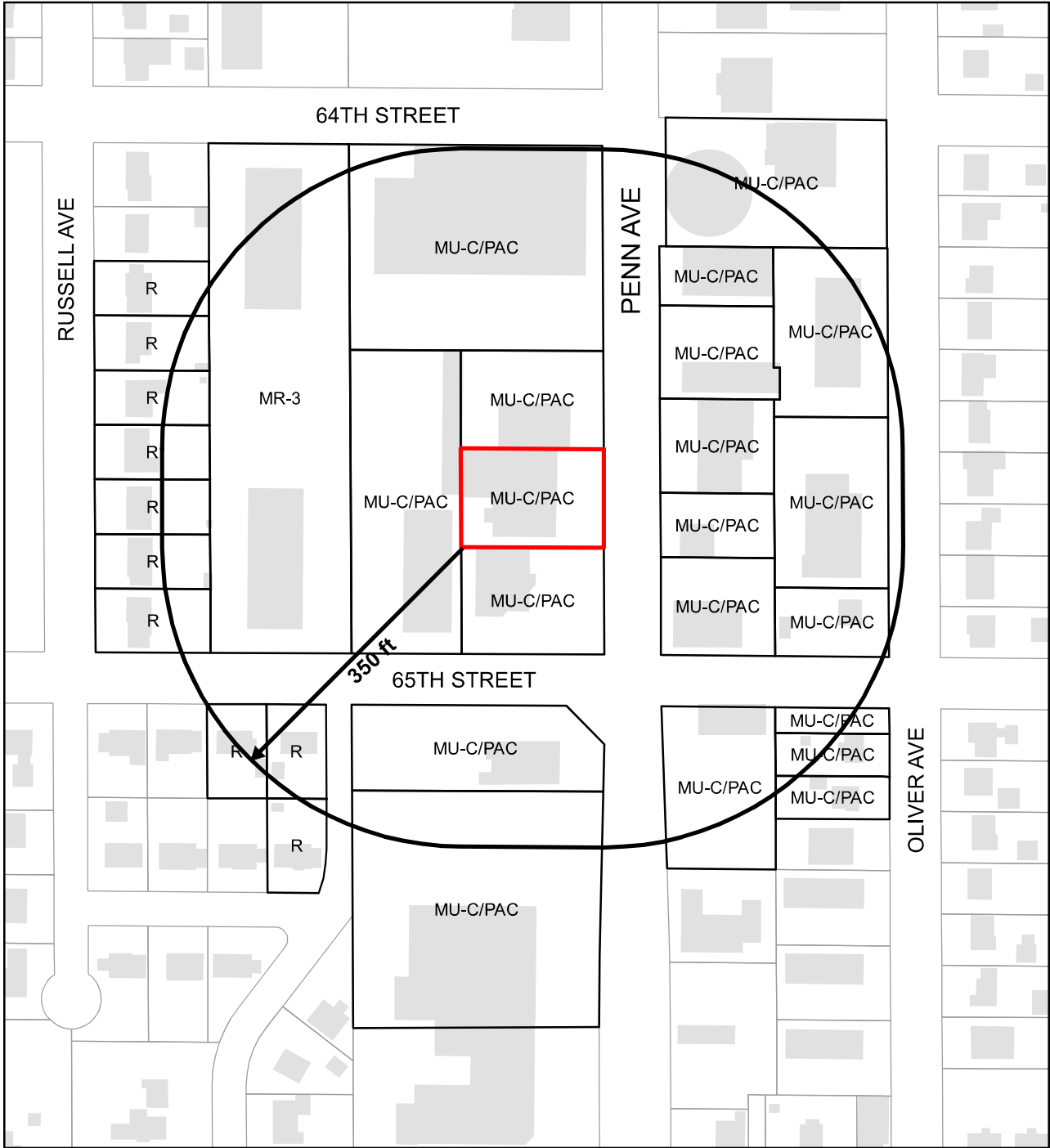
As indicated

DATE:

MAY 5, 2017

6436 Penn Ave - CUP VAR 6/2017

Surrounding Zoning

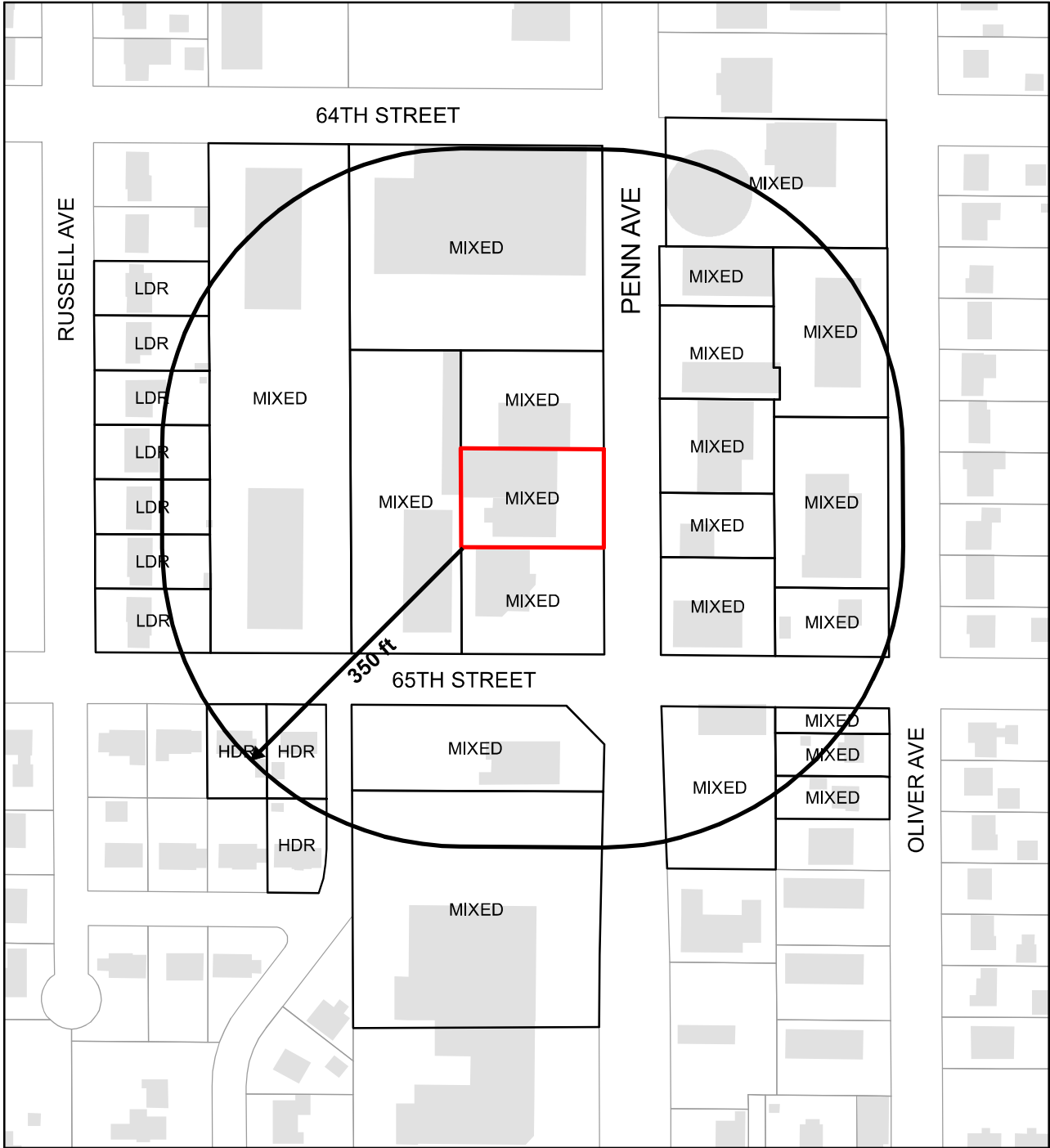


MU-C - Mixed-Use Community
PAC - Penn Avenue Corridor Overlay
MR-3 - High Density Multifamily Residential
R - Single Family Residential



6436 Penn Ave - CUP VAR 6/2017

Surrounding Comprehensive Plan



MIXED - Mixed Use
HDR - High Density Residential
LDR - Low Density Residential



Space to be leased
by Subway





STAFF REPORT NO. 106
CITY COUNCIL MEETING
7/11/2017

REPORT PREPARED BY: Matt Brillhart, Associate Planner

DEPARTMENT DIRECTOR REVIEW: Karen Barton, Assistant Community Development Director
7/5/2017

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich, City Manager
7/6/2017

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the approval of a resolution granting a conditional use permit and variances to allow a restaurant and cafe to operate at 817 East 66th Street.

EXECUTIVE SUMMARY:

The property at 817 East 66th Street was previously occupied by Richfield Floral & Garden, which closed for business earlier this year. Local Roots Fine Foods would like to open a restaurant and cafe in the building, along with a separate retail space. Traditional or cafeteria-style restaurants are a conditional use in the C-2 General Business District. In addition to the conditional use permit, the applicant is requesting approval of two variances.

The first variance is required due to the existing zoning designations on the property and is highly technical in nature. The north 125 feet of the Property is zoned General Business (C-2), while the south 75 feet of the property is zoned Multi-family Residential (MR-2). Regarding parcels split between two zoning districts, the Code states "the provisions of this Code which pertain to either zoning district may be applied to the entire lot or for a distance of 30 feet from such district boundary line, whichever is less." The applicant is requesting a variance to extend the C-2 Zoning District over the entire lot, or 75 feet. The south 75 feet of the property was previously a separate lot. To ensure that the south lot (which contains half of the parking spaces for the building) could not be sold separately from the building, the applicant was required to combine the two parcels. This combination, in turn, created the current 'split zoning' situation. Prior to the 2008 Comprehensive Plan (Plan), the south lot was also zoned C-2. The Plan recommended Medium Density Residential as a buffer between commercial property on 66th Street and the single-family residential properties to the south, resulting in rezoning the property to MR-2 in 2010. However, this rezoning was done without specifically reviewing the existing use of the property as a parking lot related to the commercial property at 817 E 66th Street. Rather than rezone the property to C-2 at this time, the Comprehensive Plan and Zoning District designations of the property should be reevaluated as part of the Comprehensive Plan update, which is currently underway.

The applicant is also requesting a variance to reduce the off-street parking requirement. Local Roots plans to occupy 3,185 square feet of the building, while the remaining 515 square feet would be sub-leased to an unidentified retail/office/service user. The total parking requirement is 31 spaces, while only 24 spaces are available on the property. Much of the restaurant area is programmed for uses other than dining area seating, including space for an art gallery, office and storage space, and a large children's play area. The restaurant

is planned to accommodate just 20 seats. Based on these factors, staff does not anticipate a parking shortage. Should the parking demand increase in the future, there is space adjacent to the rear parking lot where an existing landscaping area could be converted into up to 7 spaces. Staff is not recommending that the additional parking be required to be constructed at this time.

Finding that the proposal meets requirements, staff recommends approval of the conditional use permit and variances.

RECOMMENDED ACTION:

By motion: Approve a resolution granting a conditional use permit and variances to allow a restaurant and cafe at 817 East 66th Street.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- See Executive Summary

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- Traditional or cafeteria-style restaurants are a conditional use in the C-2 General Business District. The applicant is requesting variances from Zoning Code Subsections 512.01 and 544.13, as described above in the Executive Summary. A full discussion of general CUP requirements and additional information related to the requested variances and required findings can be found as an attachment to this report.

C. CRITICAL TIMING ISSUES:

- 60-DAY RULE: The 60-day clock 'started' when a complete application was received on June 12, 2017. A decision is required by August 11, 2017 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- A public hearing was held before the Planning Commission on June 26, 2017. Notice of the public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site on June 13. No members of the public spoke at the public hearing. The Planning Commission recommended approval of the conditional use permit and variances (6-0).

ALTERNATIVE RECOMMENDATION(S):

- Approve the resolution with modifications and/or additional stipulations.
- Deny the conditional use permit and/or variances with a finding that requirements are not met.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Courtney Norgaard, applicant

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Resolution	Resolution Letter
<input type="checkbox"/> Requirements attachment	Backup Material
<input type="checkbox"/> Site plans	Backup Material
<input type="checkbox"/> Zoning maps	Backup Material

RESOLUTION NO.

**RESOLUTION APPROVING A
CONDITIONAL USE PERMIT AMENDMENT AND VARIANCES
FOR A RESTAURANT
AT 817 66TH STREET E**

WHEREAS, an application has been filed with the City of Richfield which requests approval of a conditional use permit amendment and variances to allow a Class II (traditional / cafeteria) restaurant at property commonly known as 817 66th Street E and legally described as follows:

Lots 3, 4, and the East 1/2 of Lot 2 and the East 10 feet of the North 10 feet of the West 1/2 of Lot 2, Block 3, Terrace Gardens, Hennepin County, Minnesota

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit and variances at its June 26, 2017 meeting; and

WHEREAS, notice of the public hearing was published in the Sun Current on June 15, 2017 and mailed to properties within 350 feet of the subject property on June 13, 2017; and

WHEREAS, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit as specified in Richfield's Zoning Code, Subsection 547.09 and as detailed in City Council Staff Report No.____; and

WHEREAS, the Zoning Code states that "where a district boundary line divides a lot of record placing it into two (2) separate zoning districts, the provisions of this Code which pertain to either zoning district may be applied to the entire lot or for a distance of 30 feet from such district boundary line, whichever is less", Subsection 512.01, Subd. 3

WHEREAS, the Zoning Code states that off-street parking for Class II (traditional / cafeteria) restaurants shall be provided at a ratio of 10 spaces per 1,000 square feet of gross floor area and for retail at a ratio of 5 spaces per 1,000 square feet of gross floor area, Subsection 544.13, Subd. 6; and

WHEREAS, Minnesota Statutes Section 462.357, Subdivision 6, provides for the granting of variances to the literal provisions of the zoning regulations in instances where their enforcement would cause "practical difficulty" to the owners of the property under consideration; and

WHEREAS, the City has fully considered the request for approval of the conditional use permit;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota, as follows:

1. The City Council makes the following general findings:
 - a. The north 125 feet of the Property is zoned General Business (C-2); the south 75 feet of the property is zoned Multi-family Residential (MR-2). The Zoning Code

states that “where a district boundary line divides a lot of record placing it into two separate zoning districts, the provisions of this Code which pertain to either zoning district may be applied to the entire lot or for a distance of 30 feet from such district boundary line, whichever is less. A variance from Subsection 512.01, Subd. 3 is required to extend the C-2 Zoning District over the entire lot, or 75 feet.

- b. The Zoning Code states that off-street parking for Class II (traditional / cafeteria) restaurants shall be provided at a ratio of 10 spaces per 1,000 square feet of gross floor area and for retail at a ratio of 5 spaces per 1,000 square feet. A variance from Subsection 544.13, Subd. 6 is necessary to reduce this requirement.
2. With respect to the application for a variance from Subsection 512.01, Subd. 3, the City Council makes the following findings:
- a. Strict enforcement of this requirement would cause a practical difficulty. The south 75 feet of the property was previously a separate lot, zoned MR-2. To ensure that the south lot (containing half of the parking spaces for the building) could not be sold separately from the building, the applicant was required to combine the two parcels. This combination, in turn, created the current ‘split zoning’ situation.
 - b. Unique circumstances apply in that prior to the 2008 Comprehensive Plan, the south 75 feet of the property was also zoned C-2. The Plan recommended Medium Density Residential as a buffer between commercial property and the single-family residential properties to the south, resulting in rezoning the property to MR-2. However, this rezoning was done without specifically reviewing the existing use of the property as a parking lot related to the commercial property at 817 E 66th Street.
 - c. Granting the requested variance will not alter the character of the neighborhood or locality. No changes are proposed to this portion of the property.
 - d. The variance requested is the minimum necessary to alleviate the practical difficulty.
 - e. The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan. The south 75 feet of the property is designated as “Medium Density Residential.” This designation will be reevaluated as part of the next Comprehensive Plan update, which is currently underway.
3. With respect to the application for a variance from Subsection 544.13, Subd. 6, the City Council makes the following findings:
- a. Parking requirements are based on square footage. Local Roots plans to occupy 3,185 square feet of the building, while the remaining 515 square feet would be sub-leased to an unidentified retail/office/service user. The parking requirement for Class II (traditional / cafeteria) restaurants is 10 spaces per 1,000 square feet of gross floor area and the requirement for retail is 5 spaces per 1,000 square feet. After factoring in a 10 percent reduction for proximity to public transit service, the total parking requirement is 31 spaces. 24 spaces are available on the property.
 - b. Unique circumstances apply in that much of the restaurant area is programmed for uses other than dining area seating, including space for an art gallery, office and storage space, and a large children’s play area. The restaurant is planned to accommodate just 20 seats. Based on these factors, a shortage is not anticipated. Should the parking demand increase in the future, there is space in the rear parking lot where an existing landscaping area could be converted into up to 7 additional spaces.

- c. Granting the requested variance will not alter the character of the neighborhood or locality. Given the proposed usage of the building and quantity of seating provided, a shortage is not anticipated.
 - d. The variance requested is the minimum necessary to alleviate the practical difficulty.
 - e. The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.
4. Based on the above findings, a variance is hereby approved to extend the C-2 Zoning District over the entire lot.
5. Based on the above findings, a variance is hereby approved to reduce the off-street parking requirement for the Subject Property to 24 stalls.
6. A conditional use permit is issued to allow a Class II Restaurant, as described in City Council Letter No. _____, on the Subject Property legally described above.
7. This conditional use permit is subject to the following conditions in addition to those specified in Section 547.09 of the City's Zoning Ordinance:
 - That the recipient of this conditional use permit record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.09, Subd. 8. A recorded copy of the approved resolution must be submitted to the City prior to the issuance of an occupancy permit.
 - A cross access agreement with the property located at 811 E 66th Street is required and must be recorded prior to occupancy. Proof of recording must be provided to the City. Agreement must note the shared vehicular access and dumpster enclosure.
 - All trash must be stored indoors or in the dumpster enclosure on the property at 811 E 66th Street. Should the subject property come under separate ownership from the property at 811 E 66th Street, a dedicated dumpster enclosure or interior trash room shall be constructed in compliance with Zoning Code Section 544.05.
 - All rooftop or ground mechanical equipment must be screened, per Zoning Code Section 544.05.
 - All areas currently covered with landscaping fabric must be landscaped with trees, shrubs, and groundcover. Landscape rock by itself does not constitute groundcover.
 - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated June 5, 2017, and compliance with all other City and State regulations.
 - Prior to the issuance of an occupancy permit the applicant must submit a surety equal to 125% of the value of any improvements and/or requirements not yet complete. This surety shall be provided in the manner specified by the Zoning Code.
8. The conditional use permit and variances shall expire one year after issuance unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been issued and substantial work performed; or 3) Upon written request of the applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.
9. This conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City's Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of July 2017.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

Code Requirements / Required Findings

Part 1 – Conditional Use Permit: The findings necessary to issue a Conditional Use Permit (CUP) are as follows (547.09, Subd. 6):

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan.* The proposed use of the property is consistent with the guiding "Neighborhood Commercial" designation. The Comprehensive Plan identifies a number of goals and policies related to economic development and support for business and employment growth. The proposal is consistent with these goals and policies. Note: the south 75 feet of the property is designated as "Medium Density Residential." This designation will be reevaluated as part of the next Comprehensive Plan update, which is currently underway.
2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* The purpose of the Zoning Code is to protect and promote the public health, safety, aesthetics, economic viability, and general welfare of the City. The purpose of the General Business (C-2) District is to allow a wide variety of commercial businesses that are attractive and compatible with nearby residential properties. The proposal is consistent with these purposes. Note: the south 75 feet of the property is designated as Multi-family Residential (MR-2.) Regarding parcels like this with split zoning, the Code states "the provisions of this Code which pertain to either zoning district may be applied to the entire lot or for a distance of 30 feet from such district boundary line, whichever is less." A variance is required to extend C-2 zoning over the entire lot. See variance information on next page for detailed explanation.
3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* The *66th Street Corridor Plan: 5th Avenue to Cedar Avenue* (2011) recommended a future land use designation for the entire property as "Medium-high Density Residential." However, the recommendations of that Plan were not officially adopted as an amendment to the 2008 Comprehensive Plan. The Plan does not specify urban design guidelines.
4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* The proposed use will improve compliance with performance standards by providing additional landscaping at the rear of the site. The applicant is requesting a variance to reduce the off-street parking requirement, described on next page.
5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements.* The City's Public Works and Engineering Departments have reviewed the proposal and do not anticipate any issues.
6. *The use will not have undue adverse impacts on the public health, safety, or welfare.* Adequate provisions have been made to protect the public health, safety and welfare.

7. *There is a public need for such use at the proposed location.* Investment and improvement in vacant sites is necessary to maintain a thriving community.
8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.* This requirement is met.

Part 2 - Variance: The findings necessary to approve a variance are as follows (Subd. 547.11):

1. *There are “practical difficulties” that prevent the property owner from using the property in a reasonable manner.*
2. *There are unusual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.*
3. *The variance would not alter the character of the neighborhood or the locality.*
4. *The variance is the minimum necessary to alleviate the practical difficulty.*
5. *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.*

Extension of C-2 Zoning District over entire lot (Subsection 512.01, Subd. 3)

The north 125 feet of the Property is zoned General Business (C-2), while the south 75 feet of the property is zoned Multi-family Residential (MR-2). Regarding parcels split between two zoning districts, the Code states “the provisions of this Code which pertain to either zoning district may be applied to the entire lot or for a distance of 30 feet from such district boundary line, whichever is less.” The applicant is requesting a variance to extend the C-2 Zoning District over the entire lot, or 75 feet.

Criteria 1: Strict enforcement of this requirement would cause a practical difficulty. The south 75 feet of the property was previously a separate lot, zoned MR-2. To ensure that the south lot (containing half of the parking spaces for the building) could not be sold separately from the building, the applicant was required to combine the two parcels. This combination, in turn, created the current ‘split zoning’ situation.

Criteria 2: Prior to the 2008 Comprehensive Plan, the south 75 feet of the property was also zoned C-2. The Plan recommended Medium Density Residential as a buffer between commercial property and the single-family residential properties to the south, resulting in rezoning the property to MR-2. However, this rezoning was done without specifically reviewing the existing use of the property as a parking lot related to the commercial property at 817 E 66th Street.

Criteria 3: Granting the requested variance will not alter the character of the neighborhood or locality. No changes are proposed to this portion of the property.

Criteria 4: The variance requested is the minimum necessary to alleviate the practical difficulty.

Criteria 5: The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan. The south 75 feet of the property is designated as “Medium Density Residential.” This designation will be reevaluated as part of the next Comprehensive Plan update, which is currently underway.

Reduced Parking Requirement (Subsection 544.13, Subd. 6)

The applicant is requesting a variance to reduce the off-street parking requirement from 31 spaces to 24 spaces.

Criteria 1: Strict enforcement of this requirement would cause a practical difficulty. Parking requirements are based on square footage. The applicant (Local Roots) plans to occupy 3,185 square feet of the building, while the remaining 515 square feet would be sub-leased to an unidentified retail/office/service user. The parking requirement for Class II (traditional / cafeteria) restaurants is 10 spaces per 1,000 square feet of gross floor area and the requirement for retail is 5 spaces per 1,000 square feet. After factoring in a 10 percent reduction for proximity to public transit service, the total parking requirement is 31 spaces. 24 spaces are available on the property.

Criteria 2: Unique circumstances apply in that much of the restaurant area is programmed for uses other than dining area seating, including space for an art gallery, office and storage space, and a large children's play area. The restaurant is planned to accommodate just 20 seats. Based on these factors, staff does not anticipate a parking shortage. Should the parking demand increase in the future, there is space in the rear parking lot where an existing landscaping area could be converted into up to 7 spaces.

Criteria 3: Granting the requested variance will not alter the character of the neighborhood or locality. Given the proposed usage of the building and quantity of seating provided, a shortage is not anticipated.

Criteria 4: The variance requested is the minimum necessary to alleviate the practical difficulty.

Criteria 5: The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.

66th STREET EAST (Co. Rd. No. 53)

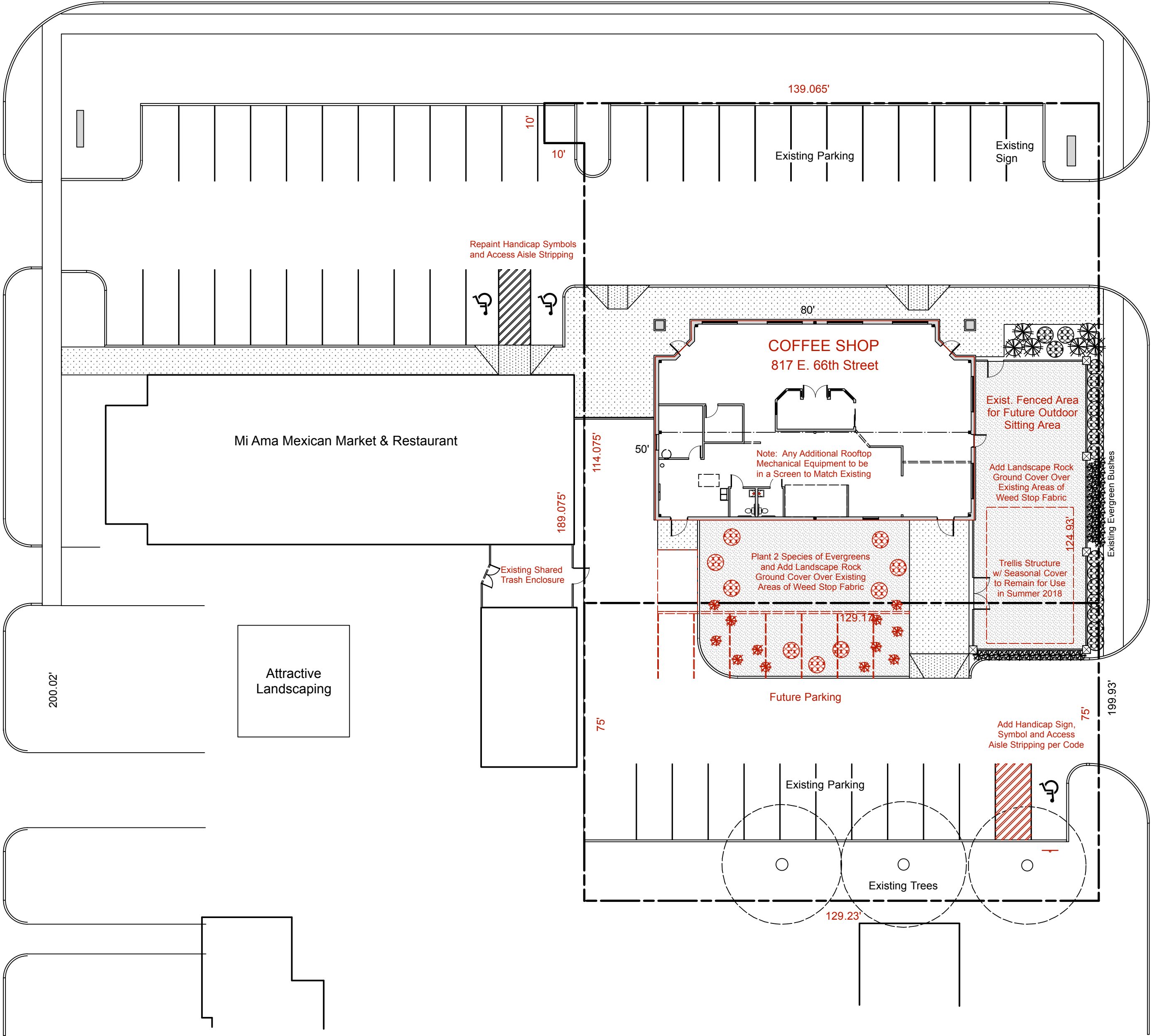
CODE REVIEW

BUILDING DESCRIPTION: Existing 80' X 50', 1 Story, 18' high, Sprinkled, 3,856 s.f. Type 5A Construction (steel frame, bar joists and metal studs). .

PROPOSED USE: Coffee Shop, Deli and Some Retail with Less than 50 Cccupants, Class B for Business Use Conditional Use and Non-Separated Spaces

CHICAGO AVENUE SOUTH

ELLIOT AVENUE SOUTH



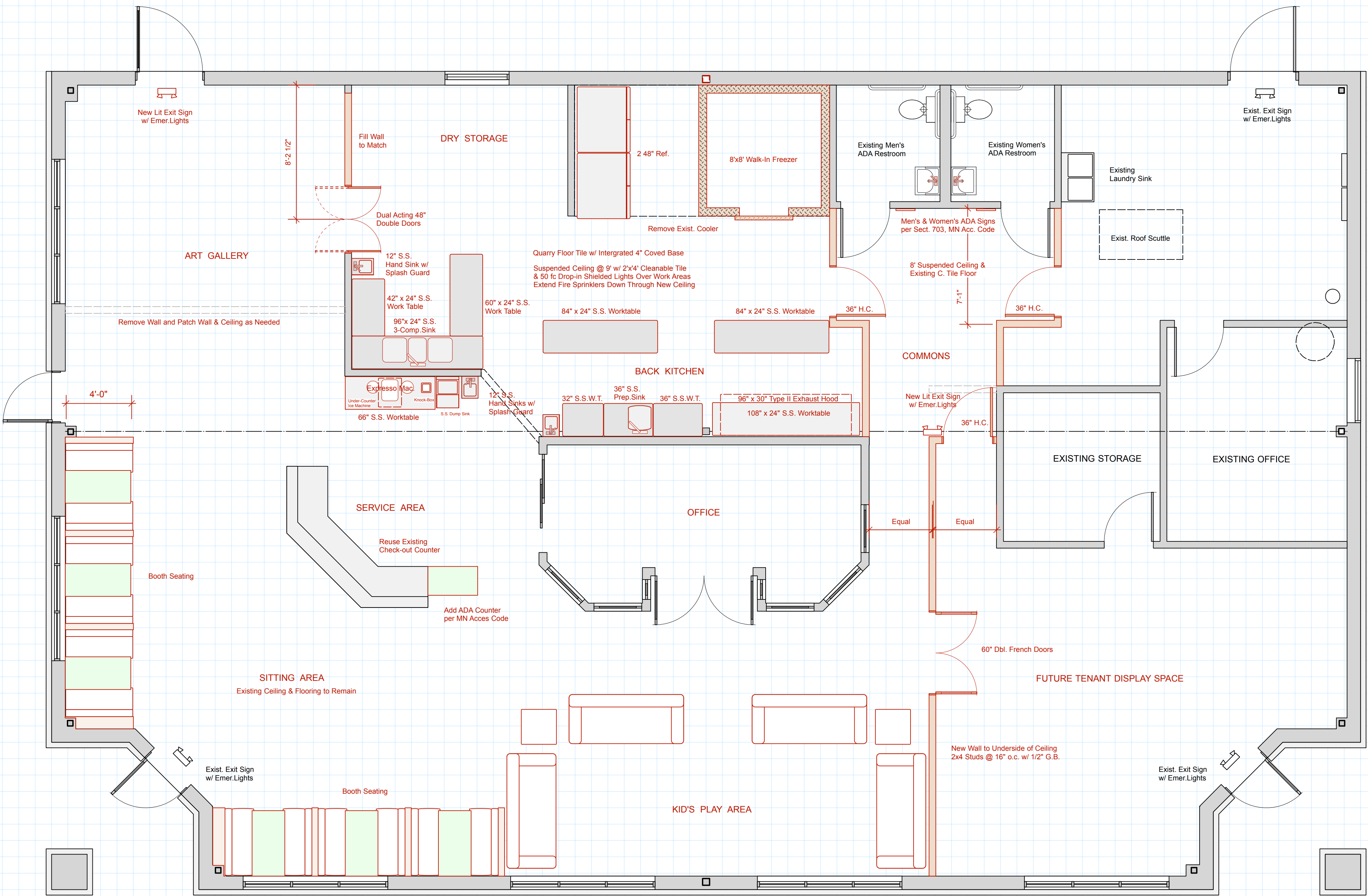
LANDSCAPE PLAN

SCALE: 1" = 20'



Note: Black Lines & Notes Denotes Existing
Red Lines & Notes Denotes New Work
Contractor to Verify All Existing Conditions

Revised Property Lines 6.16.17



Black Lines and Notes Denote Existing.
Color Lines and Notes Denote New Construction.
Contractors to Verify all Existing Conditions & Dimensions

PROPOSED FLOOR LAYOUT

SCALE: 1/4" = 1' - 0"

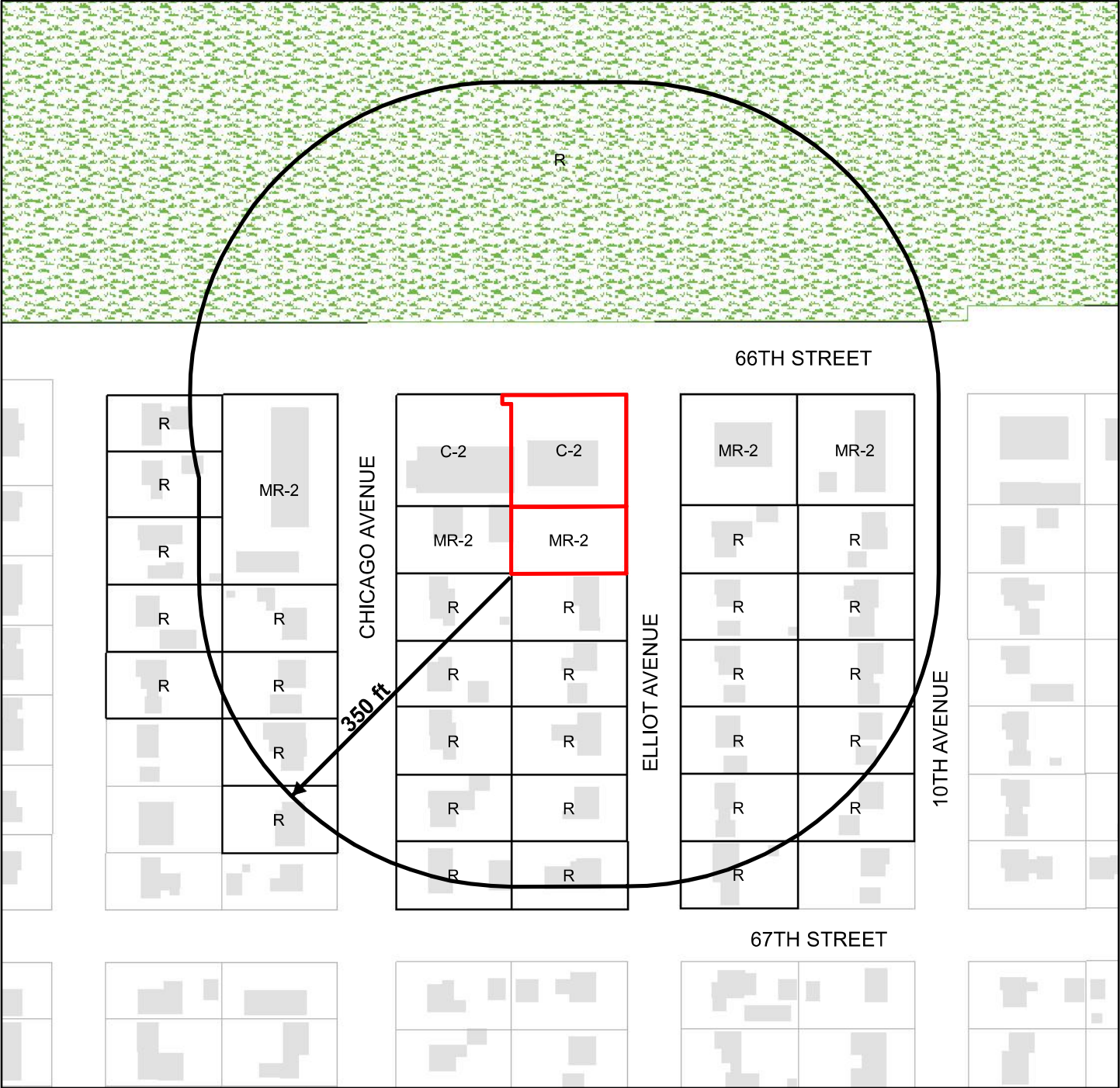


817 66th Street E - Zoning Variance Exhibit

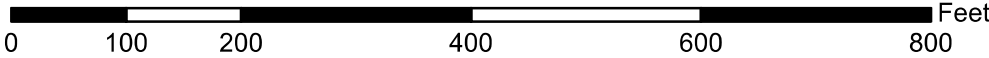


817 66th Street E - CUP VAR 6/2017

Surrounding Zoning

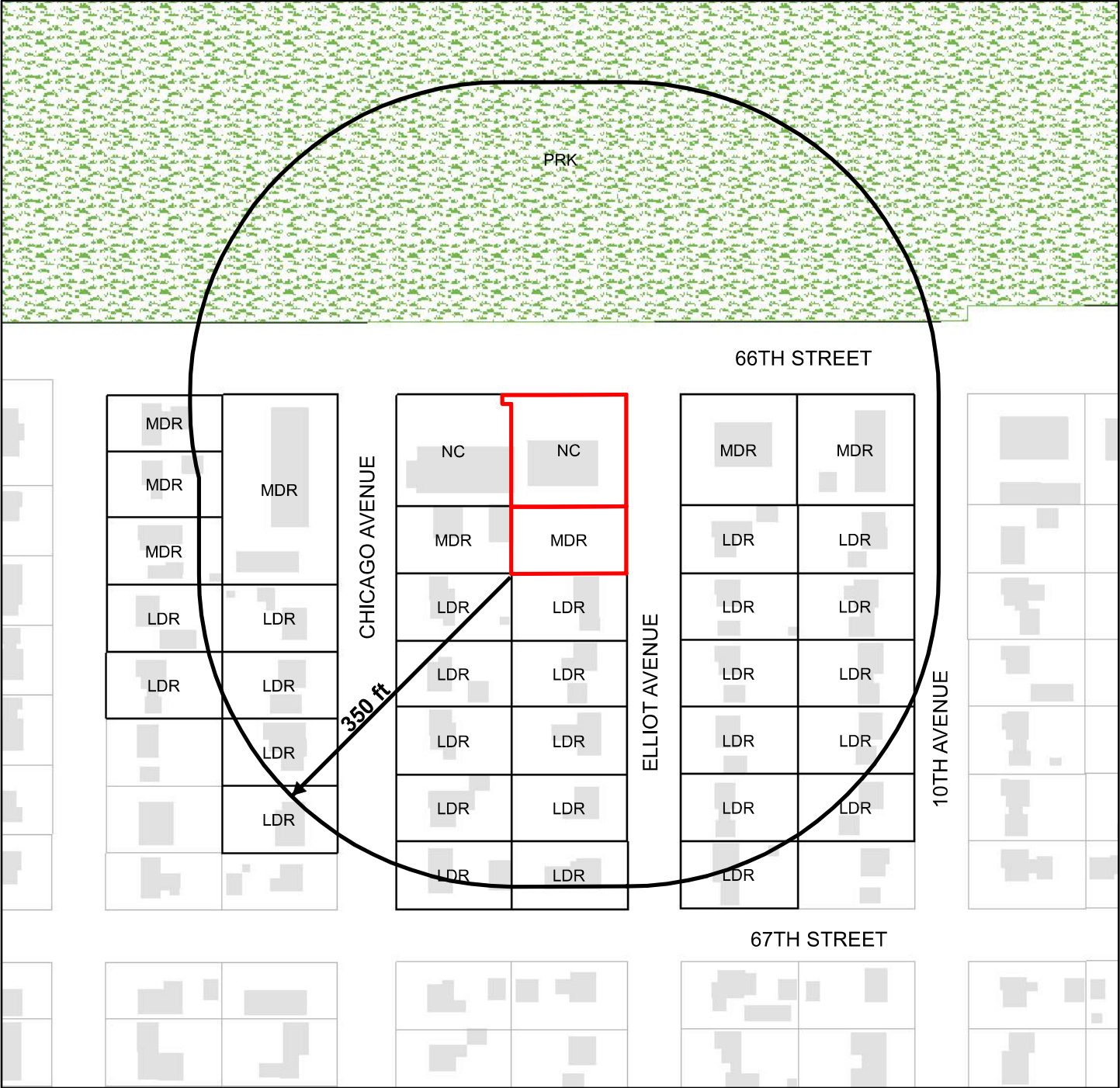


C-2 - General Commercial
R - Single Family Residential
MR-2 - Multi-Family Residential



817 66th Street E - CUP VAR 6/2017

Surrounding Comprehensive Plan



NC - Neighborhood Commercial
LDR - Low Density Residential
MDR - Medium Density Residential

